HOUSE OF REPRESENTATIVES—*Wednesday, September 12, 1984*

The House met at 11 a.m., and was called to order by the Speaker pro tempore (Mr. WRIGHT).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 11, 1984.

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on Wednesday, September 12, 1984.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

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

Our thanks be to You, O God, in the gifts of Your spirit which is with us every day. Though we seek to face the concerns of our day and solve the problems before us, we admit that we sometimes fail and do not meet the standards that we seek, and we can lose heart. In the midst of an uncertain path we are grateful for Your spirit which guides us, which gives us strength and wisdom, which provides assurance and forgiveness. For these and all Your beautiful gifts, we offer this our prayer of praise. Amen.

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.

POLLS SHOW WOMEN OVERWHELMINGLY SUPPORT ARMS CONTROL

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

Mrs. SCHROEDER. Mr. Speaker, today we are witnessing a special event: Women coming together to discuss what predominantly has been a man's subject—arms control and national security.

National polls show that women overwhelmingly support efforts at arms control; in fact this difference has been the heart of the gender gap. Women are trying to help humanity prepare for our final exam on whether we can qualify to continue aboard the planet. Women agreed with Henry Kissinger when he said, "With the overwhelming arsenal of the nuclear age, the pursuit of marginal advantage is both pointless and potentially suicidal."

The women attending this conference have made outstanding contributions to the fields of business, politics, the arts, religion, education, athletics, civil rights, and social sciences. They are here to take an active role in the arms control debate. Conference participants are not just here to talk—they are here to act, because they know that's the only way we'll pass the exam for the planet's future, since there is no emergency exit from the planet.

The focus of the conference is a call to action—to define and propose steps that governments can take to prevent nuclear war. The recommendations of the conference will be conveyed to women in communities throughout the country, so they will join in the action and insist people they vote for will act also.

MONDALE'S DEFICIT PLAN WILL GIVE AVERAGE AMERICAN A WALLOPING DEFICIT IN POCKETBOOK

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

Mr. CAMPBELL. Mr. Speaker, the economic recovery that the current administration has worked so hard to achieve will be on the brink of collapse if Walter Mondale is allowed to implement his so-called deficit plan, which raises taxes on the middle class. The average American citizen will have a walloping deficit in their pocketbook—that Mr. Speaker, is not fair.

Millions of Americans recently put back to work could be back in the unemployment line, and end up increasing, not lowering, the Federal budget deficit—that, Mr. Speaker, is not fair.

Mondale's promise to raise taxes $85 billion per year amounts to almost $1,000 per household—most of which will fall on the middle-income worker whose family income is $25,000. Hidden promises and cooked numbers that appear to have come straight from Mondale's family recipe book mean a tax increase that could actually be twice as much. That Mr. Speaker, is not fair.

What the whole scheme boils down to is an $85 billion tax increase added to his campaign special interest group spending promises, subtracted from some questionable savings, which come out to equal a tax increase of more that $200 billion—that Mr. Speaker is not fair and the American people will not stand for it.

PERMISSION FOR SUBCOMMITTEE ON ENVIRONMENT, ENERGY, AND NATURAL RESOURCES OF COMMITTEE ON GOVERNMENT OPERATIONS TO SIT ON THURSDAY, SEPTEMBER 13, 1984, DURING 5-MINUTE RULE

Mr. SYNAR. Mr. Speaker, I ask unanimous consent that the Subcommittee on Environment, Energy, and Natural Resources of the Committee on Government Operations be permitted to sit on Thursday, September 13, 1984, should the House be reading for amendment under the 5-minute rule at the time.

The minority is aware of this request, and we have been advised that they have no objection.

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

There was no objection.

RESIGNATION AS CONFEREE AND APPOINTMENT OF CONFEREE ON S. 529, IMMIGRATION REFORM AND CONTROL ACT OF 1983

The SPEAKER pro tempore laid before the House the following resignation as a conferee:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 11, 1984.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: As I am unable to support the House version of the Simpson-Mazzoli bill, I do hereby resign my appointment as conferee to the Committee of Conference on the bill, S. 529, the Immigration Reform and Control Act.

Sincerely,

GEO. W. CROCKETT, Jr.,
Member of Congress.

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

There was no objection.

The SPEAKER pro tempore. Without objection, the gentleman from Ohio [Mr. SEIBERLING] is appointed to replace the gentleman from Michigan [Mr. CROCKETT] as a member of the committee of conference on the

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Senate bill, S. 529, the Immigration Reform and Control Act.

There was no objection.

The SPEAKER pro tempore. The Clerk will notify the Senate of the change in conferees.

ISSUES SLIP OFF PRESIDENT REAGAN LIKE OIL OFF A DUCK'S BACK

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

Mr. WEAVER. Mr. Speaker, no wonder issues slip off President Reagan like oil off a duck's back. We expect from the President of the United States the truth, the whole truth, and nothing but the truth, and we assume that he will tell us this; so if a President takes advantage of this, the awe in which we hold this office, to tell us something less than the truth, we are going to be truly deceived.

President Reagan says that his budget deficits do not occur.

This is a chart of the deficits from Truman, Eisenhower, Kennedy, Johnson, Nixon, Ford, Carter, and Reagan's first 4 years. Reagan's deficits, passed by Congress, but pushed through by President Reagan, actually cut by Congress, are greater than all the deficits from George Washington through Jimmy Carter.

MIRRORS AND THE DEFICIT

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

Mr. GUNDERSON. Mr. Speaker, for the last 4 years a lot of people in this town have been talking about mirrors. They have said that the President could not reduce inflation and interest rates at the same time under his economic policy without using mirrors.

Well, he stuck to those economic policies. He has not used mirrors and we have seen both inflation and interest rates go down.

But now I think we are beginning to see some mirrors. The Mondale deficit reduction package assumes $85 billion in new taxes; and at the same time it projects greater economic growth than the Congressional Budget Office. In fact, he says that we will get $17 billion in additional new revenue resulting from that economic growth.

□ 1110

If there is one thing we have learned in this country in the last 50 years it is that new taxes inhibit economic growth rather than promote it.

On the Government spending side Mr. Mondale says he will increase certain spending programs by about $30 billion, cutting others by $54 billion. Yet if you look at the promises of his proposals and the platform, you will find that they are really talking about spending increases of $69 to $176 billion.

The real question we need to ask in 1984 is: Mirror, mirror on the wall, who is most honest of them all?

FIRST NATIONAL WOMEN'S CONFERENCE TO PREVENT NUCLEAR WAR

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

Mrs. BOXER. Mr. Speaker, in one very important way this administration has failed the younger generation. I say that because the majority of our young people feel they will perish in a nuclear war and no rhetoric is going to change that. Our kids are just too smart.

But what will change it is real, substantive progress on arms control and continued pressure from the grassroots. Today in Washington those grassroots are growing. Under the superb leadership of actress Joanne Woodward the first National Women's Conference to Prevent Nuclear War is taking place. The message of this conference will give hope to our young people that their fears are recognized and that many of us are dedicated to a future without fear.

Our President, the first since Herbert Hoover never to meet with the Soviet leadership, has announced that he will meet with the Soviet Foreign Minister. This is good.

Our President is known as the great communicator, but unfortunately he treats arms control like the Olympics. He talks about it every 4 years.

Let us hope that this fine conference will spur him on to real progress on arms control for the good of every American.

THE "TRUST ME" FUND

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

Mr. BADHAM. Mr. Speaker, Walter Mondale says we'll have a pay-as-you-go plan for getting rid of the deficit. He calls it a "trust fund" concept, not unlike Social Security, to gather funds to pay off our debt.

A brief look at the history of the trust fund in American Government tells the real story, however. Social Security has been a pay-as-you-go system since the early 1950's, and for that reason it got into huge financial problems in the 1970's. There was that temptation to take the money and run * * * and Walter Mondale is just handing the big spenders another golden opportunity with this tax hike.

Walter Mondale's record is one of pandering to special interests. If he were to keep his word to his supporters, he would institute new spending programs totaling anywhere up to $176 billion. When he spoke yesterday of cutting the deficit, Mr. Mondale wisely "forgot" about these promises, but he's sure to "remember" them next year if he's elected in November.

It's not a trust fund Walter Mondale wants to cut the deficit—it's a trust-me fund. And that's one thing the American people have had their fill of in recent years. Sorry, Walter—you and Jimmy poisoned the well on trust-me politics during your term in office.

NUCLEAR HOLOCAUST

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

Mr. MITCHELL. My colleagues, when I was a boy in school, we celebrated Armistice Day, and for that occasion, I had to learn a poem that many of you know.

In Flanders' fields the poppies blow
Between the crosses, row on row,
That mark our place, and in the sky,
The larks, still bravely singing, fly
Scarce heard among the guns below.
We are the dead.
Short days ago we lived and saw the sunset's glow,
But now we lie in Flanders' field.

There can be no limited nuclear war. There can only be an all-out nuclear war.

In the event of an all-out nuclear war, there will be no Flanders' field. None will survive to make the crosses to mark the dead. None will survive to dig the graves for the dead.

The lark will not sing in the sky because in nuclear war the whole ecological structure of nature will have been knocked out of balance.

The possibility of a nuclear war represents man's genius at its perverted worst, and yet we find at the present time a President who continues to insist on the development of nuclear weapons, who, up to this point, has refused to even discuss nuclear disarmament, who somehow or another seems to feel that this perverted genius of man in the form of a nuclear bomb or bombs provides the resolution of all of the problems of the world.

It is not a resolution of problems. It is the destruction of the world as we know it. So I commend the ladies, the women of the Nation, who are here today to speak about the unspeakable: the threat of a nuclear holocaust. I am here today to commend them for speaking out against the nuclear arms race, preventing a nuclear Flanders' field.

WALTER MONDALE'S DEFICIT REDUCTION PLAN

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

Mr. PACKARD. Mr. Speaker, by now, most Americans are expected to understand Walter Mondale's deficit reduction plan.

Its main components, after all, seem clear enough—a little new spending, a lot of new taxes, and a promise to make somebody else "wealthier than thou" pay the price.

But how many have actually read the plan? Those who have may seem more than a little puzzled by language like this, and I quote from Mr. Mondale's plan to cap the third year of the Reagan tax cuts:

> For married couples with incomes over $60,000 and single persons with incomes over $45,000, the amount of tax reduction attributable to the third phase of the Reagan tax cuts would be limited to the amount of tax reduction received by taxpayers at those income levels.

Now, if you can understand that, which incidentally took Mondale's advisers 53 days to cook up, you're way ahead of me. One thing is clear, however. If Mondale's tax plan is implemented, middle America is going to get killed.

FAIR TRADE IN STEEL ACT

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

Mr. MOLLOHAN. Mr. Speaker, nearly 3 months ago, the ITC determined that domestic production of eight categories of steel products had been damaged by foreign imports. The President is expected to rule on the ITC's recommended solution by September 24.

While I am very pleased that the ITC has recognized the threat unfair foreign imports pose to our domestic steel industry, I am concerned that the ITC's proposed solution does not adequately address the problem. I therefore call on the President to not only abide by the ITC's determination but also to adopt the more effective provisions of the Fair Trade in Steel Act, of which I am an original cosponsor.

The ITC package, had it been in effect in 1983, would have only marginally reduced the foreign share of our domestic steel market. The Fair Trade in Steel Act, on the other hand, would have had a substantial effect, reducing the foreign share from 18.8 percent to about 3.14 percent.

Mr. Speaker, as I told the President in a letter last month, no one disputes the need for fundamental changes in our steel industry, but these changes cannot be accomplished overnight. Only the Fair Trade in Steel Act can provide the temporary relief our steel industry needs to regain its traditional competitive edge, and I urge the President to endorse it.

BACK TO NO-GROWTH

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

Mr. LIVINGSTON. Mr. Speaker, Walter Mondale, in that great liberal tradition, proposes to sustain economic growth while sucking some $85 billion more out of the economy for Government spending.

This born-again budget-balancer and deficit-defiler talks growth, but his record says something else. Like vampires, he and his Great Society brethren have been sucking the life-blood from the American economy. The result, by the late 1970's, was inflation, record-high interest rates, and no growth.

What new is there in Mondale's economic program? It might as well have come from George McGovern, except that it includes the deviousness of this year's Democratic ticket, which has made a profession of sounding like the President while destroying his programs. Let's give McGovern credit—he admitted his liberalism; Walter Mondale is trying desperately to hide his unpopular philosophy from the American people.

But the voters see the writing on the wall. They know the Carter legacy of no growth and stagnation—they had to endure it for 4 years, and they don't want it again. And they know that a tax increase will inevitably mean more Government spending, something Mondale even admits in his economic plan.

For these reasons, American voters will not put America on the Fritz. They will reelect the President in November.

PERSONAL EXPLANATION

Ms. MIKULSKI. Mr. Speaker, on September 6, 1984, I inadvertently cast two incorrect votes during consideration of the Drug Price Competition and Patent Term Restoration Act of 1984.

I would like to have the record reflect my true views on this important legislation.

First, I am recorded as voting "present" on rollcall 378, the Frenzel amendment to the Derrick amendment. The Frenzel amendment changed the date of the bill as it applies to the regulation on catalog houses from 90 days after passage to 180 days. I am opposed to Mr. Frenzel's amendment and my vote should have been "no."

In addition, I was not recorded as voting on rollcall 379, final passage on the Drug Competition and Patent Term Restoration Act. I am a strong supporter of this legislation and my recorded vote should have been "yea".

□ 1120

WOMEN'S NATIONAL CONFERENCE ON PREVENTING NUCLEAR WAR

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

Ms. MIKULSKI. Mr. Speaker, I join with my colleagues today in strong support of women's active involvement in the arms control debate. Today, the first Women's National Conference on Preventing Nuclear War is meeting here in Washington.

The women are gathering here today to say that the arms race is a family issue. It concerns moms and dads, brothers and sisters, aunts and uncles, and grandparents. They are calling for a halt to the arms race. Our families want to make sure that there will be a 21st century. They want a future that they can count on.

Families know that the issue of world peace is too important to leave only to the generals. The Women's National Conference on Preventing Nuclear War is the first conference for women leaders and prominent women from around the country that is specifically concerned with defining actions to prevent a nuclear war.

We must ask ourselves, do we want to invest our future in Star Wars, where the continued development of space weapons inevitably will lead to our self-destruction; or Star Trek, where our goal is the exploration of space and understanding the world around us?

Do we want to invest our money in treatment centers for nuclear war radiation victims, or would we rather invest in cleaning up hazardous waste? Our choice is clear.

Mr. Speaker, I strongly support the conference being held by these women. I know that the good men of this world join us to stop the war, ban the bomb and have a new future.

FORTY-EIGHT HOURS—OR ELSE

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

Mr. MICHEL. Mr. Speaker in those great old Warner Bros. gangster movies of happy memory, there was always a familiar scene at the end of the movie.

The cops would have the place surrounded and the police chief would shout through a megaphone: "All

right Rocky. You have 5 minutes to come out with your hands up."

Mr. Speaker, in that great tradition, I say to the Democratic members: You have 48 hours to come out with your hands up.

That's right—either you bring the Mondale tax increases to the floor for a vote or else surrender the right to criticize the President on that issue.

A few days ago, the Speaker said something about our bringing up something within 48 hours.

Mr. Speaker we have the majority surrounded on the tax increase plan of Mr. Mondale. We know you're in there.

You have 48 hours to come out peacefully or else the voters are going to come in and get you.

DEMOCRATIC PARTY POLITICAL STRATEGY: CREATE A FEW WEALTHY PEOPLE AND MANY POOR PEOPLE

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

Mr. EDWARDS of Oklahoma. Mr. Speaker, I have sometimes suspected that the national leadership of the Democratic Party is so convinced that the wealthy vote for Republicans, and the poor vote for Democrats, that it has become a conscious part of the Democratic Party's political strategy to create as few wealthy people and as many poor as possible.

That being the case, I would suggest that Mr. Mondale has come very near achieving a plan to create a massive new pool of potential Democratic voters. If people are getting too far ahead, beginning to put money in savings, or buy new cars and new homes and new appliances and take on the trappings of a comfortable society, Mr. Mondale will simply take away some of that money in direct taxation, sneak away a bit more by changing indexing to move them into higher tax brackets, and continue high levels of Federal spending so the rest can be stolen away through inflation.

If Mr. Mondale has a chance to put his great economic plan into action, Mr. Speaker, there will indeed be a great new body of people in poverty to vote Democratic. I suspect, however, that there will be enough people who like getting ahead, who do not want to be taxed into poverty, that Mr. Mondale will never get a chance to put this newest of his tired, old ideas into practice.

BANK DEREGULATION

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

Mr. ROEMER. I thank the Speaker.

Mr. Speaker, as the Banking Committee approaches hearings on the Government's massive support of Continental Illinois Bank, I am reminded of an issue even more important than the bailout of a single big bank. That is the issue of bank deregulation, an issue that affects every bank in your districts.

Last week a representative of the FDIC testified that he supported total deregulation of the banking industry. I ask him and you: How can we completely deregulate an industry in which component parts are not allowed to fail? Essential to a deregulated environment is the ability to succeed or fail based upon free market forces. Remove the option of failure and you remove the incentive strength of deregulation. Banks are different, banks are not 7-11's. Continental Illinois and the devastating effect of its rumored failure on interest rates and on safety and soundness proves that. Continental Illinois puts the lie to the myth of banking deregulation.

If some banks cannot fail, all banks must be regulated, fairly and with commonsense; but regulated.

That is the real world.

MR. MONDALE'S CELEBRATED TAX HIKE

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

Mr. FRANKLIN. Mr. Speaker, Mr. Mondale's celebrated tax hike depends for its support upon the mistaken but congenial assumption that the State can make "the rich" share the wealth. It is a dream that has served radical ideologies throughout this century—and it is a destructive dream.

It is the same dream that has justified the Marxist dedication to violence. It is the same dream that fuels the bloody campaigns of terrorists throughout the world. It is the same dream that lulls the unthinking masses in the socialist world and robs them of ambition, of opportunity and of self-respect.

When Walter Mondale suggests that profit-generating institutions are in some way morally reprehensible, he feeds the resentment of people who have not yet experienced economic opportunities of their own. When Walter Mondale suggests that profit-generating institutions have some duty to "take care" of the American people, he assumes that the American people have neither the ability nor the desire to take care of themselves.

Walter Mondale clearly sees the American people as victims. It is a Socialist scenario in which pity plays a greater part than pride.

NATIONAL WOMEN'S CONFERENCE TO PREVENT NUCLEAR WAR

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

Ms. OAKAR. Mr. Speaker, let us tell the truth. Under Ronald Reagan the rich have become richer; every report says that, every objective report; and the poor are poorer. Erosion of the middle class has been devastating.

Two universal issues that women most relate to are peace and economic justice. Every poll taken since the 1950's indicates that women reject GEORGE BUSH's notion that somehow we could win a limited nuclear war. Women know that nobody wins when there is a nuclear war and that is why I want to commend the distinguished participants in the National Women's Conference To Prevent Nuclear War who are meeting today in Washington led by Joanne Woodward, one of the finest actresses in this country. The discussion of the efforts of the National Women's Conference To Prevent Nuclear War is: How can we get people to talk about what is the No. 1 issue facing not only our country but the global community?

□ 1130

Their call to action includes the message of negotiation, not confrontation, and rhetoric that stirs confrontation.

We, as policy makers, need to listen to more than half the population of this country. Nothing less than preservation of the planet is at stake.

A MONDALE PRESIDENCY SPELLS END OF THE AMERICAN DREAM

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

Mr. LAGOMARSINO. Mr. Speaker, Mr. Mondale's new economic program isn't new at all, but it does portend disaster for the American workers who are hoping to build a better way of life for their families.

The Reagan economic recovery is going full speed ahead, promising sustained economic growth for the future. But Mr. Mondale's obsession with a massive tax increase is flirting with disaster.

The American people are already taxed too high. They want the budget deficit reduced, but they want us to do our part by cutting more waste and fat from the budget. Mr. Mondale, ever a friend of big spending, would much prefer to stick it to the taxpayers.

He learned well about tax increases when he served under Jimmy Carter, who proposed some 19 new tax increases, 9 of which were passed by the

Democratic controlled Congress. All of those tax increases didn't help reduce the Carter-Mondale budget deficit.

What the Mondale policies will bring is more government, less money in our pocket, a no-growth economy, and last, but not least, inflation.

A Mondale Presidency spells the end of the American dream.

FIRST WOMEN'S NATIONAL CONFERENCE ON PREVENTING NUCLEAR WAR

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

Mrs. COLLINS. Mr. Speaker, it is with great pride that I join my colleagues in honoring the first Women's National Conference on Preventing Nuclear War. The formation of this organization is crucial as women across the Nation gain momentum in the fight to avert a nuclear holocaust.

It is no secret that throughout history, women have valued peace more highly than men. Indeed, recent polls reveal that women still overwhelmingly support arms control measures to prevent nuclear war.

And the numbers show that more women than men support a bilateral freeze.

Now women are taking on the challenge of the eighties to change our tendency to glorify war.

That is why Joanne Woodward created the Women's Conference on Preventing Nuclear War. I am here this morning to let all the men in the administration know that the challenge is accepted; that women will inform, unify, and mobilize to change our deadly, aggressive, first-strike military strategy. The women of the United States will make the attainment of peace a national priority.

MR. MONDALE'S TAX INCREASES

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

Mr. BURTON of Indiana. Mr. Speaker, I worry about my Democrat colleagues—I'm afraid if they continue to support Mondale's promised and tax proposals, they'll be looking for a new job next January.

Mondale has promised to increase taxes by at least $85 billion and if he keeps his promises that will be more like $176 to $311 billion. That means a tax increase for each American family of between $1,890 and $3,350 per year.

The people of my State of Indiana would have to pay between $3.87 and $6.84 billion in new taxes. To my Democrat friends I say look at what Walter Mondale's promises and tax proposals would do to your State and your constituents. My Democrat friends, don't lose your job by tying your star to Walter Mondale.

LEGISLATION TO RATIFY REORGANIZATION PLANS

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

Mr. BROOKS. Mr. Speaker, today I am introducing legislation to ratify as a matter of law reorganization plans which have previously taken effect in accordance with the provisions of chapter 9 of title 5, United States Code, the Reorganization Act of 1949, or any predecessor Federal statutes. From time to time since 1932, Congress has delegated to the President the authority to reorganize legislatively established functions and agencies of the Federal Government, under carefully restricted conditions. Reorganization authority was last granted to the President in the Reorganization Act of 1977, codified as chapter 9 of title 5. That authority expired on April 7, 1981.

Under the 1977 Reorganization Act, as well as earlier reorganization legislation, either House of Congress could prevent implementation of a reorganization plan by a vote of disapproval. For many years I have contended that this legislative veto procedure stood the Constitution on its head and that it was unconstitutional, unwise, and unnecessary. The Supreme Court's Chadha decision, which declared the legislative veto to be unconstitutional, bore out my concerns. In anticipation of such a decision, I sponsored, and this House has passed, H.R. 1314, which will reenact the President's reorganization authority without the objectionable legislative veto provision.

H.R. 1314 will cure the problem created by a legislative veto procedure in reorganization authority in the future. However, a greater problem has arisen in regard to reorganization plans which have been put into effect under previous reorganization acts. Last month, the U.S. Court of Appeals for the Second Circuit held in a case involving the Equal Employment Opportunity Commission that the EEOC had no authority to undertake enforcement actions under the Age Discrimination in Employment Act, because authority for ADEA, along with other discrimination statutes, had been transferred to EEOC under reorganization authority which included an unconstitutional legislative veto procedure. The Court stayed the judgment in its action until December 31, 1984, expressly to afford Congress an opportunity to take appropriate measures to correct the problem.

Mr. Speaker, regardless of whether the Supreme Court ultimately agrees that the presence of a legislative veto procedure in the past reorganization authority was sufficient to invalidate all reorganization plans and all authority transferred pursuant to those plans, the second circuit case makes it imperative that we act expeditiously to clarify the situation. The bill I am introducing today, along with Congressman FRANK HORTON, expressly ratifying and affirming as a matter of law all reorganization plans, will accomplish such a purpose. I regard this legislation as a technical, nonsubstantive matter which will preserve the status quo. I hope the Congress will act on it swiftly, so as to avoid disruption of authorities which have been previously transferred pursuant to congressional intent.

AMERICAN DEFENSE EDUCATION ACT

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

Mr. CHANDLER. Mr. Speaker, the House will soon consider one of the most important measures of this session—the American Defense Education Act. It is a measure that deserves our strong support.

Last year, the crisis confronting our Nation's public school systems was well-chronicled by seminal studies such as "A Nation At Risk" by the National Commission on Excellence in Education. The commission's conclusion that we have, as a Nation, been "committing an act of unthinking, unilateral educational disarmament" spurred States and localities to beef up their educational requirements and undertake other educational reforms.

But local school systems, in many cases facing severe fiscal restraints, cannot and should not face alone the burden of reinstituting educational excellence in our public schools. In the American Defense Education Act, we, in the Congress, have an opportunity to provide a comprehensive reaffirmation of Federal support for meeting this most important goal. The ADEA recognizes a national problem, proposes a national financial commitment to help overcome it, yet relies on a local commitment to local problems to resolve it. I might add—I am particularly gratified that the committee during consideration of this bill accepted an amendment I proposed targeting additional funds for poorer school districts. This will help ensure that all students will benefit in a fair and equitable way from this most important initiative.

As a member of the Education and Labor Committee, as a former State legislator long involved in educational issues at the State level, and most importantly as a parent concerned about my children's future, I strongly urge my fellow Members of the House to

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vote for this important bill. It is legislation whose time has come.

IN SUPPORT OF WOMEN'S NATIONAL CONFERENCE ON PREVENTING NUCLEAR WAR

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

Mr. LEHMAN of Florida. Mr. Speaker, I would like to express my support for the First Women's National Conference on Preventing Nuclear War which is being held today here in Washington, DC. The women who are attending this conference represent many different fields, but are united in their desire to prevent a nuclear war.

The level of funding for nuclear weapons has gone far beyond reason and need. A nuclear exchange, no matter who fires first, will mean the total destruction not only of the warring nations, but of all mankind. It could even mean the end of all higher life forms on this planet. We can no longer wait to save ourselves from this annihilation. I am therefore very encouraged that this group of outstanding and talented women is meeting, on behalf of many women throughout our Nation, and becoming involved in the arms control debate.

I know that this Women's National Conference on Preventing Nuclear War will be the first of many successful conferences. It will give our Nation an opportunity to experience some new leadership and ideas. This conference can serve as a new starting point to encourage women and men throughout the United States to work together to resolve this most critical issue of our time.

THE FAIR TRADE IN STEEL ACT SHOULD BE BROUGHT TO THE FLOOR

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

Mr. WILLIAMS of Ohio. Mr. Speaker, America's steel industry, America's steelworkers, their families, and the communities in which they live can wait no longer. It is time for H.R. 5081, the Fair Trade in Steel Act, to be brought to the floor for a vote.

A record number of steelworkers remain out of work. Their families are suffering. The record level of steel imports must be reduced.

The International Trade Commission has recommended remedies in an unfair steel trade case. But that alone will not be enough. We need comprehensive coverage for all sectors of the steel industry as Congress can provide for in the Fair Trade in Steel Act.

Two hundred and twenty-one Members of Congress, of which I am one, now cosponsor this critical piece of legislation; 221 Members—a majority of us—have spoken.

It now is time for the House leadership to heed that call, bring this vital legislation to the floor, and help get the mills producing steel again—instead of echoes.

LIBERACE—MR. SHOWMANSHIP FOR 40 YEARS

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

Mr. REID. Mr. Speaker, outlined in neon lights the marquee radiates his name down the Las Vegas Strip—"Liberace, Mr. Showmanship." Indeed, a description well earned during his 40 years in show business.

Walter Valentino Liberace first played the piano at age 4 and at 7 earned a scholarship that lasted 17 years to the Wisconsin College of Music. His classical-music career took a detour during the Depression when—to help with family finances—he played Milwaukee roadhouses and radio shows.

Later, his career expanded into television and in 1952 Liberace starred in his first variety program which made him a matinee idol in 20 countries.

He has appeared on stage before standing-room-only audiences from London to Australia to Las Vegas and has set records wherever he goes.

He considers Las Vegas "home" and shares the pleasures of his own priceless antiques, automobiles, pianos, costumes, and other collectibles at the popular Liberace Museum.

For these reasons and more, Las Vegas says congratulations, Liberace, for four decades of unique entertainment.

□ 1140

WALTER MONDALE'S DEFICIT REDUCTION PLAN

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

Mr. HARTNETT. Mr. Speaker, most of us in this Chamber are familiar with contracts. Many of us have legal backgrounds. Those who are not attorneys have dealt with attorneys, and whether it's to purchase a car or buy a house, we've signed contracts.

This Monday Walter Mondale put forward a deficit reduction plan for the voters that is a contract between him and the American people.

Before you sign a contract with anybody, you always look for the escape clause.

An escape clause is a very simple device. It is a loophole that permits the other party to a contract to wriggle out if the going gets tough.

Walter Mondale's plan has an escape clause in it. It's the part that says "you pay as you go" for any new spending.

Walter Mondale omitted his campaign promises from his deficit reduction plan because he knows paying for them will bust the budget and raise our taxes even higher than he has promised.

So the "pay as you go" clause lets him introduce even more spending after he is elected, and we will pay as Walter Mondale goes along through his 4 years of office.

The voters also have an escape clause—it's called voting for Ronald Reagan in November.

THE BUDGET DEFICIT

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

Mr. DOWNEY of New York. Mr. Speaker, in 1968 then candidate Richard Nixon said he had a plan to end the war in Vietnam, but he did not want to disclose it because he said he did not want to give away his bargaining position.

What happened? Well, the war in Vietnam continued for 4 more years. Thousands of Americans and tens of thousands of Asians died needlessly.

President Reagan says that he has a plan to end the budget deficit, but he is not going to tell us what it is. And I guess there is a good reason why he is not going to tell us what it is because we have 3 years of history to go on. He will want to cut Social Security; he will want to cut medicare; he will want to do all of the things he has done in the past. So one cannot blame him for not wanting to come forward.

Let us remember what candidate Richard Nixon said on October 9, 1968:

> To those who call for peace, let me make one thing perfectly clear: Those who have had a chance for 4 years and could not produce peace should not be given another chance.

To which I would say to candidate Reagan: To those who have called for budget balancing for 4 years, let me make one thing perfectly clear: Those who have had a chance for 4 years and could not produce a balanced budget should not be given another chance.

MILITARY SPARE PARTS

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

Mr. KASICH. Mr. Speaker, I read on almost a regular basis continuing revelations about the problem of rising spare parts costs in the military, and in light of the fact that the conference committee on the Defense authorization may reconvene, I respectfully

urge the conferees to adopt the House provisions as they apply to spare parts.

We hear so much talk about lack of competition in DOD spare parts buying, but there is a provision in the House authorization bill that will change this. The House version says companies can keep exclusive or monopoly rights over selling items to the Government, for no more than 7 years, not indefinitely as is now the case.

I sincerely hope that the Senate conferees will not get a little weak in the knees because of pressure from primary defense contractors who want to maintain monopoly rights forever. I urge the conference committee to hang tough. It is time to make a real difference and to enact strong, strict provisions in the way in which we contract for spare parts. Retain the Kasich amendment, the 7-year limit, the 7-year cutoff, on monopoly rights. It is a fair provision. It is a flexible position. But I will tell you this: It will result in the savings of millions upon millions of dollars to the American taxpayer.

HOME LOAN ASSISTANCE PROGRAM

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

Mr. McKERNAN. Mr. Speaker, I applaud the House passage of S. 2819 yesterday, which makes technical corrections to the Housing and Urban-Rural Recovery Act of 1983. In particular, I support a provision in the bill addressing a home loan assistance program run by the Farmers Home Administration which has served as the single greatest source of funds available for home loans for the people of Maine.

The language in the 1983 act was intended to ensure that a significant amount of the funds available under the FmHA program were targeted to very low-income applicants. Unfortunately, the way in which the provision was worded resulted in the loans of most low-income applicants being held up until a sufficient number of applicants who qualified as "very low income" could be found who could afford to purchase a home with the FmHA's assistance. It was a classic catch-22 situation, under the 1983 law.

Under the provision agreed to by the House, any funds appropriated for the Farmers Home Administration's home loan program will be immediately divided into two separate "pots"—one to be used for "very low-income" applicants, and the other to be used for "low-income" applicants. This change in the law will result in freeing up the loan program's funds, so that once again, those families and individuals in the State of Maine—as well as across the rest of the country—will be able to make their dreams of owning a home a reality. I am hopeful that the measure we passed yesterday will quickly become law.

MR. PRESIDENT, WHAT ARE YOU GOING TO DO?

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

Mr. WILLIAMS of Montana. Mr. Speaker——

Mr. President, what are you going to do? What are your economic policy suggestions for balancing the budget and reducing this outrageous deficit?

The last time you ran for office you told the American people you were going to balance the budget by getting rid of fraud, waste, and abuse. That turned out to be the greatest nonplan in the history of American political campaigning. Once you were elected, you foisted trickle-down economics on the American people. You had tax cuts for the rich and war on the poor. The results: 400,000 bankruptcies; the worst joblessness since the Hoover depression, 3 million children thrown off of school lunch; 3 years of desperate recession, the worst in a half a century; a shrinking middle class.

Mr. President, the purposes of campaigning in this country is to give the American people reasonable, prudent suggestions as to what we candidates intend to do if we are elected. The purpose of campaigns is not to spend $50 million on 30-second ads and avoid the questions.

Mr. President, What are you going to do?

□ 1150

WILL WE GET TOUGH OR NOT?

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

Mr. WALKER. Mr. Speaker, later today we will be voting on a bill that will tell us where people stand on the crime issue. Are we willing to get tough or not? The extradition bill before us today actually weakens present anticrime laws. It makes it easier for criminals to delay extradition proceedings against them.

Let me explain. Let us say that an international drug dealer is wanted by a foreign country for his crimes. Under the bill before us today, we are going to be fairer to that drug dealer in letting him use appeals that he does not now have in order to escape extradition. We all know what goes on during some appeals periods; the criminals continue their nasty business.

In this case, a drug dealer could continue to bring in his poison for distribution to our Nation's children. The Department of Justice is worried about this very thing. In a letter from the Assistant Attorney General, they recently stated in short:

> The growing problem of international terrorism and the necessity of international cooperation in drug control efforts are too important to permit the weakening of extradition laws proposed in H.R. 3347.

Is what we are being asked to do today what the American people who list crime and drugs among their top concerns and priorities want us to be doing? No. They want us to get tougher, not more lenient.

Today's vote on H.R. 3347 is for leniency. It should be defeated overwhelmingly. The American people will be watching.

OREGON'S WOOD PRODUCTS INDUSTRY GEARS FOR NEW RECESSION

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

Mr. AuCOIN. Mr. Speaker, in the State of Oregon, during the last recession, over 80,000 jobs were lost. Today, at a time when we are being told there is a great, growing national economic recovery, Oregon has restored only 40,000 of those jobs.

I noticed in the Oregonian, the State's leading newspaper, just this last weekend, that now the wood products industry, the mainstay of Oregon's industry, our industrial base, is gearing up for yet another recession come the early spring of next year. There is a very simple reason for that. That is that the prime interest rate has gone up four times since January of this year. It is being driven by deficits that the administration has not brought under control.

Oregonians look at this picture with great fear. They worry about their economic livelihood. They do not want to see the President or the leaders in Congress blaming each other. They do not want to hear about people talking about solutions being putting words in the Constitution in terms of a balanced budget; they want to see the President of the United States submit a budget that is more in balance than it is today. Their economic future depends upon it.

"NO" VOTE NEEDED ON H.R. 3347

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

Mr. LUNGREN. Mr. Speaker, as the gentleman from Pennsylvania mentioned just a moment ago, today we will be asked to vote on H.R. 3347 as a result of discussion that took place on the Suspension Calendar the day before yesterday. This bill arises out of an initial request by the Justice De-

partment and the State Department to attempt to strengthen our extradition laws.

Unfortunately, we have moved in the opposite direction as a result of the work product that came out from the Judiciary Committee. Now the Department of Justice urges that Members vote against this bill. The State Department urges that Members vote against this bill, and, of course, the question is why? The answer is the legislation would make it more difficult to extradite foreign fugitives than is possible under current law.

The bill denies recognition of foreign arrest warrants and invites retaliation from our treaty partners. If we will not recognize their warrants, why should they have any reason to recognize ours?

Based on a 16-to-15 Judiciary Committee vote, the bill departs from one of the oldest extradition principles in our law. For the first time, judicial inquiry into the motives of a requesting nation would be authorized.

So it would be not just our Department of State inquiring into that, but individual judges. This is the appeal process that the gentleman from Pennsylvania mentioned a few minutes ago. This is an appeal that is not now given to these people, but would be given to them under this law.

I would hope that Members would understand that. Even though this is called a bill on crime, they should understand that this makes it worse rather than better with respect to our fight against crime.

I would urge a no vote today on H.R. 3347.

THE CARDS ARE FACEUP AND THEY ARE JOKERS

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

Mr. LOTT. Mr. Speaker, first of all I would like to commend the process that we have been using today of alternating back and forth from one side of the aisle to the other in the 1-minute speeches. I think it has worked well, and I think it gives an opportunity for better debate.

But I think it is high time that we go ahead and put our House all the way back in order by letting the broadcasters do the broadcasting of our proceedings and confining legislators to legislating. So today I am introducing a House broadcast rule that would put the broadcast system's personnel and daily camera coverage under the supervision of professional broadcasters: The Executive Committee of the Radio and Television Correspondents' Galleries of the Congress.

We do not want any taint of partisanship. From some of the actions we have seen this year, I think it is time that we take this action to get it completely away from partisanship. Let us see that the House broadcast system is run properly.

Now, having said that, I do want to comment just briefly on this discussion on the budget we have been hearing today. If the gentleman from Arkansas really is that concerned about the deficit, I would urge him to join us this week as we act on appropriations bills and as we act on the American Defense Education Act to hold down spending by the House of Representatives. That is the problem with the deficit; that is the problem with the budget.

Surprise, surprise, Walter Mondale wants to raise more massive taxes. Who is really surprised about that? That is all he knows to do with the deficit. Raise taxes, again. Yes, he has put all his cards face up on the table, and they are jokers.

CALENDAR WEDNESDAY

The SPEAKER pro tempore (Mr. DOWNEY). This is Calendar Wednesday. The Clerk will call the committees.

The Clerk proceeded to call the committees.

PARLIAMENTARY INQUIRIES

Mr. WALKER (when the Committee on the Judiciary was called). Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WALKER. Mr. Speaker, is it at this point in the legislative process, given the call of Calendar Wednesday, that the bill that has been reported out of the House Judiciary Committee dealing with the insanity defense plea could be brought to the floor by the chairman?

□ 1200

The SPEAKER pro tempore. The Chair will remind the gentleman from Pennsylvania that only the chairman of the committee can bring up a reported bill.

Mr. WALKER. A further parliamentary inquiry. That was my question. So the Chair is answering that indeed, the chairman of the committee at this point in the proceedings could bring that anticrime measure before the House right now; is that correct?

The SPEAKER pro tempore. If it has been reported and has been on the Calendar for the required time.

Mr. WALKER. I thank the Chair.

The SPEAKER pro tempore. The Clerk will continue the call of the committees.

The Clerk concluded the call of the committees.

PERMISSION FOR SUBCOMMITTEE ON GOVERNMENT ACTIVITIES AND TRANSPORTATION OF COMMITTEE ON GOVERNMENT OPERATIONS TO SIT ON TOMORROW DURING 5-MINUTE RULE

Mr. KLECZKA. Mr. Speaker, I ask unanimous consent that on Thursday, September 13, 1984, the Subcommittee on Government Activities and Transportation of the Committee on Government Operations be permitted to sit during the proceedings of the House under the 5-minute rule.

This request has been cleared with the minority side of the subcommittee.

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

There was no objection.

CONFERENCE REPORT ON H.R. 5798, TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT APPROPRIATION ACT, 1985

Mr. ROYBAL. Mr. Speaker, I call up the conference report on the bill, H.R. 5798 making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1985, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of September 6, 1984, at page 24466.)

The SPEAKER pro tempore. The gentleman from California [Mr. ROYBAL] will be recognized for 30 minutes and the gentleman from Ohio [Mr. MILLER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. ROYBAL].

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

Mr. Speaker, the conferees have reached agreement on the Treasury, Postal Service, and general government bill for 1985. This conference report provides $12.8 billion in recommended appropriations for 1985, an increase of $417 million over the budget and $870 million over the House-passed bill.

It should be noted that even though the bill is $870 million above the House-passed bill, $736 million of this difference is due to the restoration of funding for the U.S. Customs Service and for the Bureau of the Mint. These two appropriations were eliminated from the House-reported bill because authorizing legislation had not been enacted. The conference report before you today is very close to the House-

passed bill and I believe that the funding for the various activities provided for in this bill is at a level that the House can fully support.

There are, however, several legislative provisions in the bill which the conferees reluctantly agreed to bring back in disagreement. These items were brought back in disagreement after long and exhaustive deliberations with the Senate. It is my understanding that several committee chairmen are opposed to some of these amendments and will urge their defeat on the floor today. I hope that all Members will listen carefully to what they have to say.

Now, let me highlight a few of the significant items in the conference report.

In the U.S. Customs Service, the conferees have recommended funds to retain 923 personnel recommended in the budget to be RIF'd—fired—and added an additional 100 positions. The budget proposed a reduction in personnel of 923 below present onboard strength, including many customs inspectors. The committee feels that in view of the severe drug problem in this country, it just is not prudent to reduce the very agency that mans our borders and ports of entry.

The committee believes that the high level of drug abuse and related crime in this country requires a strong law enforcement effort to stem in the tide of illicit drugs coming into the United States. The proposed reduction would have also slowed down the processing of visitors to this country and of our own citizens returning from abroad. Further, this reduction would have also slowed down the processing of commercial goods being imported to the United States. More importantly, this reduction would have had a severe adverse impact on the Government's ability to interdict the flow of illegal drugs and other contraband into the country, as well as on its ability to prevent the illegal exportation of high-technology items to unfriendly countries. We have, therefore, not accepted the reduction in personnel and have added 100 more positions.

In the Postal Service, the conferees have recommended $1,040,509,000, the amount necessary to keep the preferred mail rates at step 14 on the phasing schedule through all of fiscal year 1985. This is an increase of $349 million over the budget. The committee also directed the Postal Service to continue 6-day mail delivery including rural mail delivery.

In the National Archives and Records Service, the committee added $9.2 million over the budget—$4 million for grants for historical publications and records, and $5.2 million of additional onsite archival space and access facilities and auditorium and meeting space at the John F. Kennedy Library.

The committee recommends continuation of the language contained in the continuing resolution for 1984 which delayed implementation of certain personnel reforms proposed by OPM until July 1, 1985.

Mr. Chairman, I think this is a good conference report and represents a good compromise with the Senate. I urge your favorable consideration.

Mr. MILLER of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we bring before the House the conference report on the Treasury, Postal Service, and general government appropriations bill. This is a relatively rare occurrence in recent years. We have not had a separate Treasury appropriations bill since 1979. In the last 4 years, the agencies funded under this bill have received their funding through a continuing resolution. I, along with the chairman and the other members of the subcommittee, hope that this year we will finally succeed in enacting a separate appropriations measure.

This conference report provides a total of $12,766,276,000 in appropriations. This is $478.1 million above the budget authority for fiscal year 1984, and $869.7 million above the House-passed bill. It should be pointed out, however, that comparison with the House-passed funding level is misleading. During House consideration of H.R. 5798, both the Customs Service and the Mint were deleted on points of order for lack of authorization. The committee had provided a total of $730,163,000 for these two agencies. Obviously, it was not the intent of the House to eliminate all funding for these two essential Government agencies. It was clear that the other body would provide appropriations for Customs and the Mint, and that the funds would be restored in conference. Therefore the House-passed figure was artificially low by some $730 million.

In fact, the Senate provided $5.5 million more for the Customs Service than we had provided in our bill as it was reported from committee in the House. In conference, we receded to the Senate on the amount for Customs and the Mint. Therefore restoration of funding for these two agencies accounts for $735,648,000 of the increase in the conference report total compared to the House-passed level. After adjusting for the restoration of Customs and the Mint, the total in the conference report is $139.5 million above the House-passed bill.

It is my understanding that the $12,766,276,000 total funding level in this conference report is acceptable to the administration. There are important Government functions funded in this bill, including significant law enforcement functions in the Customs Service, the Secret Service, and the Bureau of Alcohol, Tobacco, and Firearms.

□ 1210

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

Mr. MILLER of Ohio. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, I am just trying to understand, looking through the conference report. Where does this bill stand with regard to the House-passed budget?

Mr. MILLER of Ohio. To the House-passed budget?

Mr. WALKER. Budget bill. Are we above or are we below?

Mr. MILLER of Ohio. We are $478.1 million above the budget authority for 1984, and $869.7 million above the House-passed bill.

Mr. WALKER. If the gentleman will yield further, in other words, with this conference report we are, in fact, going above the budget that this House passed earlier this year. Is that correct?

Mr. MILLER of Ohio. No, no; that is not correct as far as the budget is concerned. We are higher than the House-passed bill because the Bureau of the Mint and Customs were both moved out of the bill on a point of order and, therefore, that was restored by the Senate and agreed to by the House conferees. So, therefore, we are up some $730 million.

Mr. WALKER. If the gentleman will yield further, I understand that what we have done is that we have come back with a conference report that permits the unauthorized spending that the House knocked out on a point of order, given the Senate action. That I understand.

What I am trying to do is figure out where we are relative to the budget that we passed earlier in the year; whether or not we have in this bill in the appropriations process exceeded or have we come in with less than what we said we were going to spend in the budget.

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

Mr. MILLER of Ohio. I yield to the gentleman from California.

Mr. ROYBAL. I thank the gentleman for yielding.

Mr. Speaker, the figures are as follows: The House-passed tentative allocation is $12,850,000,000. This conference report is $12,766,276,000 which is about $84 million below that figure.

I will insert a detailed comparative statement at this point in the RECORD:

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY

	Fiscal year—		House	Senate	Conference	Conference compared with			
	1984 enacted	1985 estimates				Enacted	Estimates	House	Senate
TITLE I—DEPARTMENT OF THE TREASURY									
Office of the Secretary	67,152,000	84,242,000	56,474,000	77,242,000	56,474,000	−10,678,000	−27,768,000		−20,768,000
International affairs			22,768,000		22,768,000	+22,768,000	+22,768,000		+22,768,000
Federal Law Enforcement Training Center	14,664,000	16,964,000	16,964,000	18,314,000	18,314,000	+3,650,000	+1,350,000	+1,350,000	
Bureau of Government Financial Operations: Salaries and expenses	239,995,000	239,908,000	226,608,000	235,994,000	235,994,000	−4,001,000	−3,914,000	+9,386,000	
Postal savings system liquidation	1,000,000					−1,000,000			
Bureau of Alcohol, Tobacco, and Firearms	159,553,000	161,771,000	169,271,000	167,271,000	169,271,000	+9,718,000	+7,500,000		+2,000,000
United States Customs Service:									
Salaries and expenses	596,481,000	585,335,000		643,465,000	643,465,000	+46,984,000	+58,130,000	+643,465,000	
(By transfer)	(3,000,000)					(−3,000,000)			
Operations and maintenance, air interdiction program	56,000,000	32,070,000		44,425,000	44,425,000	−11,575,000	+12,355,000	+44,425,000	
Bureau of the Mint:									
Salaries and expenses	49,000,000	47,758,000		47,758,000	47,758,000	−1,242,000		+47,758,000	
Expansions and improvements	3,070,000					−3,070,000			
Total, Bureau of the Mint	52,070,000	47,758,000		47,758,000	47,758,000	−4,312,000		+47,758,000	
Bureau of the Public Debt	196,427,000	197,955,000	197,955,000	197,955,000	197,955,000	+1,528,000			
Internal Revenue Service:									
Salaries and expenses	101,494,000	104,687,000	104,687,000	102,000,000	104,687,000	+3,193,000			+2,687,000
Processing tax returns	942,150,000	992,457,000	992,457,000	972,457,000	982,457,000	+40,307,000	−10,000,000	−10,000,000	+10,000,000
Examinations and appeals	1,258,310,000	1,357,073,000	1,357,073,000	1,350,000,000	1,353,535,000	+95,225,000	−3,538,000	−3,538,000	+3,535,000
Investigations, collections and taxpayer service	1,023,676,000	1,062,642,000	1,081,142,000	1,060,000,000	1,070,521,000	+46,845,000	+7,879,000	−10,621,000	+10,521,000
Total, Internal Revenue Service	3,325,630,000	3,516,859,000	3,535,359,000	3,484,457,000	3,511,200,000	+185,570,000	−5,659,000	−24,159,000	+26,743,000
Payment where energy credit exceeds liability for tax	200,000	100,000	100,000	100,000	100,000	−100,000			
United States Secret Service	296,152,000	275,731,000	278,331,000	286,500,000	286,500,000	−9,652,000	+10,769,000	+8,169,000	
Total, title I, new budget (obligational) authority, Department of the Treasury	5,005,324,000	5,158,693,000	4,503,830,000	5,203,481,000	5,234,224,000	+228,900,000	+75,531,000	+730,394,000	+30,743,000
TITLE II—UNITED STATES POSTAL SERVICE									
Payment to the Postal Service Fund	879,000,000	691,556,000	1,040,509,000	1,040,509,000	1,040,509,000	+161,509,000	+348,953,000		
TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT									
Compensation of the President	250,000	250,000	250,000	250,000	250,000				
Office of Administration	14,295,000	16,172,000	14,645,000	16,172,000	16,172,000	+1,877,000		+1,527,000	
The White House Office	23,186,000	24,985,000	23,731,000	24,985,000	24,985,000	+1,799,000		+1,254,000	
Executive Residence at the White House	4,632,000	4,601,000	4,601,000	4,601,000	4,601,000	−31,000			
Official Residence of the Vice President	262,000	219,000	219,000	219,000	219,000	−43,000			
Special Assistance to the President	1,593,000	1,663,000	1,663,000	1,663,000	1,663,000	+70,000			
Council of Economic Advisers	2,464,000	2,560,000	2,560,000	2,560,000	2,560,000	+96,000			
Office of Policy Development	2,861,000	3,020,000	3,020,000	3,020,000	3,020,000	+159,000			
National Security Council	4,497,000	4,605,000	4,605,000	4,605,000	4,605,000	+108,000			
Office of Management and Budget:									
Salaries and expenses	32,006,000	40,005,000	37,889,000	39,000,000	38,500,000	+6,494,000	−1,505,000	+611,000	−500,000
Office of Information and Regulatory Affairs	5,397,000					−5,397,000			
Office of Federal Procurement Policy	2,556,000	1,615,000	1,615,000	1,615,000	1,615,000	−941,000			
Property Review Board	415,000					−415,000			
Unanticipated Needs	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000				
Total, title III, new budget (obligational) authority, Executive Office of the President	95,414,000	100,695,000	95,798,000	99,690,000	99,190,000	+3,776,000	−1,505,000	+3,392,000	−500,000
TITLE IV—INDEPENDENT AGENCIES									
Administrative Conference of the United States	1,123,000	1,468,000	1,468,000	1,468,000	1,468,000	+345,000			
Advisory Commission on Intergovernmental Relations	2,016,000	2,131,000	2,131,000	2,131,000	2,131,000	+115,000			
Advisory Committee on Federal Pay	215,000	220,000	220,000	220,000	220,000	+5,000			
Commission on Executive, Legislative and Judicial salaries		160,000	160,000	160,000	160,000	+160,000			
Committee for Purchase from the Blind and Other Severely Handicapped	687,000	710,000	710,000	710,000	710,000	+23,000			
Federal Election Commission	10,744,000	10,230,000	12,834,000	12,900,000	12,900,000	+2,156,000	+2,670,000	+66,000	
General Services Administration:									
Federal Buildings Fund:									
Appropriation	2,650,000					−2,650,000			
Limitation on availability of revenue:									
1. Construction and acquisition of facilities	(146,260,000)	(89,877,000)	(106,814,000	(100,299,000)	(120,299,000)	(−25,961,000)	(+30,422,000)	(+13,485,000	(+20,000,000)
2. Repairs and alterations	(87,517,000)	(223,749,000)	(228,432,000)	(216,018,000)	(217,090,000)	(+129,573,000)	(−6,659,000)	(−11,342,000)	+1,072,000)
3. Purchase contract payments	(145,500,000)	(178,911,000)	(178,911,000)	(178,911,000)	(178,911,000)	(+33,411,000)			
4. Rental of space	(880,500,000)	(865,000,000)	(865,000,000)	(865,000,000)	(865,000,000)	(−15,550,000)			
5. Real property operations	(656,500,000)	(694,998,000)	685,848,000)	(694,998,000)	694,998,000)	(+38,498,000)		(+9,150,000)	
6. Program direction	(100,000,000)	(117,040,000)	(117,040,000)	(117,040,000)	(117,040,000)	(+117,040,000)			
7. Design and construction services		(58,227,000)	(58,883,000)	(55,536,000)	(58,883,000)	(+58,883,000)	(+656,000)		(+3,347,000)
Unavailable balance within ceiling			(9,300,000)					(−9,300,000)	
Total, Federal Buildings Fund:									
New budget (obligational) authority	2,650,000					−2,650,000			
(Limitations)	(2,016,277,000)	(2,227,802,000	(2,250,228,000)	(2,227,802,000)	(2,250,221,000)	(+235,944,000)	(+24,419,000)	(+1,993,000)	(+24,419,000)
Operating expenses, personal property	153,939,000	167,244,000	156,944,000	164,000,000	161,000,000	+7,061,000	−6,244,000	+4,056,000	−3,000,000
National Archives and Records Service:									
Operating Expenses	90,805,000	92,325,000	98,925,000	96,325,000	98,925,000	+8,120,000	+6,600,000		+2,600,000
Federal Property Resources Activities:									
Operating expenses	37,339,000	40,257,000	40,257,000	38,000,000	39,128,000	+1,789,000	−1,129,000	−1,129,000	+1,128,000
(Limitation on availability of revenue)	(120,000,000)	(120,000,000)	(120,000,000)	(250,000,000)	(185,000,000)	(+65,000,000)	(+65,000,000)	(+65,000,000)	(−65,000,000)
Total, Federal Property Resources Activities	37,339,000	40,257,000	40,257,000	38,000,000	39,128,000	+1,789,000	−1,129,000	−1,129,000	+1,128,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—Continued

	Fiscal year—		House	Senate	Conference	Conference compared with			
	1984 enacted	1985 estimates				Enacted	Estimates	House	Senate
General Activities:									
General Management and Administration Salaries and Expenses	123,635,000	140,987,000	123,635,000	137,000,000	137,000,000	+13,365,000	−3,987,000	+13,365,000	
Office of Information Resources Management Operating Expenses	47,434,000	33,393,000	33,393,000	33,393,000	33,393,000	−14,041,000			
Office of the Inspector General	19,513,000	21,473,000	21,473,000	21,473,000	21,473,000	+1,960,000			
Allowances and Office Staff for Former Presidents	1,171,000	1,170,000	1,022,900	1,170,000	1,170,000	−1,000		+147,100	
Expenses, presidential transition		3,000,000	3,000,000	3,000,000	3,000,000	+3,000,000			
Total, General Activities	191,753,000	200,023,000	182,523,900	196,036,000	196,036,000	+4,283,000	−3,987,000	+13,512,000	
Total, General Services Administation	476,486,000	499,849,000	478,649,900	494,361,000	495,089,000	+18,603,000	−4,760,000	+16,439,100	+728,000
FEDERAL PERSONNEL ACTIVITIES									
Office of Personnel Management:									
Salaries and expenses:									
Appropriation	107,046,000	110,953,000	106,653,000	110,000,000	106,653,000	−393,000	−4,300,000		−3,347,000
(By transfer)	(898,000)					(−898,000)			
Limitation	(48,572,000)	(50,678,000)	(50,678,000)	(50,678,000)	(50,678,000)	(+2,115,000)			
Government payment for annuitants, employees health benefits	1,506,339,000	1,341,553,000	1,341,553,000	1,341,553,000	1,341,553,000	−164,786,000			
Payment to civil service retirement and disability fund	4,146,571,000	4,366,868,000	4,366,868,000	4,366,868,000	4,366,868,000	+220,297,000			
Total, Office of Personnel Management	5,759,956,000	5,819,374,000	5,815,074,000	5,818,421,000	5,815,074,000	+55,118,000	−4,300,000		−3,347,000
Merit Systems Protection Board:									
Salaries and expenses	19,895,000	20,477,000	20,477,000	20,477,000	20,477,000	+582,000			
Limitation	(1,200,000)	(1,200,000)	(1,200,000)	(1,200,000)	(1,200,000)				
Office of special counsel	4,444,000	4,583,000	4,583,000	4,583,000	4,583,000	+139,000			
Total, Merit Systems Protection Board	24,339,000	25,060,000	25,060,000	25,060,000	25,060,000	+721,000			
Federal Labor Relations Authority	16,863,000	17,197,000	17,197,000	17,197,000	17,197,000	+334,000			
Total, Federal personnel activities	5,801,158,000	5,861,631,000	5,857,331,000	5,860,678,000	5,857,331,000	+56,173,000	−4,300,000		−3,347,000
United States Tax Court: Salaries and Expenses	15,965,000	22,344,000	22,344,000	22,344,000	22,344,000	+6,379,000			
Total, title IV, new budget (obligational) authority, independent agencies	6,308,394,000	6,398,743,000	6,375,847,900	6,394,972,000	6,392,353,000	+83,959,000	−6,390,000	+16,505,100	−2,619,000
General provision Sec. 620			−119,397,199					+119,397,199	
Grand total:									
New budget (obligational) authority	12,288,132,000	12,349,678,000	11,896,587,701	12,738,652,000	12,766,276,000	+478,144,000	+416,589,000	+869,688,299	+27,624,000
(Limitations)	(2,186,049,000)	(2,399,689,000)	(2,422,115,000)	(2,529,689,000)	(2,489,108,000)	(+303,059,000)	(+89,419,000)	(+66,993,000)	(−40,581,000)

Mr. WALKER. I thank the gentleman. That clarifies the matter, and I thank the chairman.

Mr. CONTE. Mr. Speaker, I rise in support of the conference report for the fiscal year 1985 Treasury-Postal Service appropriations bill.

Let me take this opportunity to commend the chairman of the subcommittee, Mr. ROYBAL, and the ranking minority member, Mr. MILLER, for their leadership during our day and a half meeting with the other conferees. Throughout the conference, Chairman ROYBAL fought hard for the House position and against the legislative abuses of the other body. I applaud this effort.

Mr. Speaker, this conference report is reasonable and well balanced. The funding level is acceptable, and the legislative provisions have been kept at a minimum. I hope my colleagues will support this conference agreement.

Even though the House passed bill was $870 million under the Senate bill, the difference in the overall spending level was not a major issue during the conference. When H.R. 5798 was considered by the House, funding for the U.S. Customs Service, the Air Interdiction Program, and the Bureau of the Mint was stricken from the bill by a point of order. Because both agencies were not authorized, the aggregate new budget authority in the bill was reduced by $730 million. The Senate restored funding for these programs at a slightly higher level than the House committee recommendation.

The House also adopted an amendment to cut all programs across the board by 1 percent. The conference report deletes this provision.

As a result of these reductions, the total funding in the House passed bill was significantly lower than the Senate version and the conference agreement.

The House committee recommendation for the Treasury-Postal Service appropriations bill is only $15.5 million more than the conference report. That difference is not much when you consider that the conferees recommended $12,766,276,000 in new budget authority for fiscal year 1985. In all, this level represents a 3.4-percent increase over the President's budget.

Just before the conference committee meeting last month, the "young slasher" informed me that the funding level in the House and Senate bills was acceptable. Although the administration had problems with "excessive" spending in certain programs, Mr. Stockman wrote that "both the House and Senate versions of the bill are generally consistent with the deficit downpayment plan's cap on discretionary appropriations." That's as close as we will get to getting a green light on a bill.

Despite agreement on overall funding levels, this conference agreement does address and resolve several fundamental differences between the House and Senate bills.

First, in title I of the bill, the House receded to the Senate funding level provided for the U.S. Customs Service, $643,465,000. This amount effectively restored the admininstration's proposed personnel reduction and added another 100 positions. The Senate report instructed the Customs Service to assign these agents and support personnel to the New York City area. However, the conference report clearly states that "since it is not the policy of the conferees to direct departments as to where personnel should be placed, the conferees direct that the additional 100 customs personnel be assigned to the highest priority drug interdiction task force requirements." At the same time, the conferees did recognize the New York City area as one of these high-priority areas.

For the Air Interdiction Program, the conference agreement provides $44,425,000, the amount in the Senate-passed bill. This level is a substantial

increase over the amount requested by the administration, $32 million.

The conferees also agreed to accept a House provision prohibiting the Customs Service from closing or consolidating certain offices and functions. Language was also added to the conference report concerning the implementation of interim regulations relating to textiles and textile products.

Under title II, the U.S. Postal Service, the conferees agreed to accept two Senate amendments. First, the conferees agreed to a provision which prohibits the Postal Service from charging any State or local child support enforcement agency a fee for information requested or provided concerning an address of a postal customer. Although the Postal Reorganization Act mandates that charges be assessed for all services provided, certain exceptions have been made, namely, law enforcement agencies. This amendment is designed to correct an inequity in the postal regulations and assist these programs that operate with scarce resources.

Second, the conferees accepted an amendment prohibiting the consolidation or closing of small rural post offices in fiscal year 1985.

Title IV of the bill includes several independent agencies and Government commissions. During the conference, the pressing issues in this area centered around the funding of two Federal buildings. First, the conferees agreed to accept the House petition on the construction of the Federal building in Long Beach, CA. Despite the opposition of the Member representing this area, $20 million was included in this year's limitations. Second, the conferees agreed to delete the House provision prohibiting construction on a Federal building in Charleston, SC. However, report language was included to clarify the committee's intent.

The National Archives is also funded under the title of the bill. During the House subcommittee consideration of H.R. 5798, I offered, along with my colleague from Massachusetts [Mr. BOLAND], an amendment earmarking $5.2 million for the John F. Kennedy Library in Boston, MA. The funds would be used to increase storage space for records and museum objects, to increase classroom and seminar space for educational purposes and to improve maritime access to the library facility. The plan would add about 25,000 square feet to the facility.

As the author of this provision and as a conferee, it's my understanding that these funds should be used to address three pressing needs. First, the on-site space for records and Presidential papers is virtually exhausted. The library now stores millions of documents and visual aids at two off-site facilities in the Boston area. Besides the inconvenience, some records and museum objects are, in the words of library officials, "in immediate jeopardy of deteriorating". Second, since there has been such a big surge in demand for the facility by student groups, these funds will be used for the construction of additional meeting rooms and an auditorium. And third, since the access to Columbia Point is severely limited, these funds will be used to construct a maritime access facility.

As the author of this amendment, it's my understanding, and I believe the understanding of the conferees, that these funds should be used for these stated purposes only, not for other improvements to this Federal facility. Any other repair or alteration such as the repair of the seawall should be funded through existing resources of the National Archives. For Member's reference, the House committee report and bill include these details.

Under the general provisions title of the bill, the Hoyer restriction on the implementation of RIF and pay-for-performance regulations of the Office of Personnel Management was again a hotly debated and contested provision. The House section prohibited OPM from enforcing or even changing the regulations issued concerning a new pay-for-performance system and reductions in force. Since he was inaugurated, the President has tried to implement a performance pay system for our Federal civil service. Most Americans agree that Federal employees should not receive automatic within-grade increases without any reference to performance.

Similarly, "on-the-job" performance should be a factor in the decision to reduce an employee force. The President has tried to bring prudent business practices to the management of our Federal civil service.

For this provision, the conferees agreed to a compromised position between the entrenched sides. Under this agreement, the prohibition on the regulations will remain in effect until July 1, 1985. This time period should give both sides ample time to work out their differences. I'm sure that you will agree that this provision does not belong on this appropriations bill.

Since the conference report is available to all Members, I will not highlight all the issues in contention during this conference. I would, however, urge my colleagues to support this conference agreement. The funding levels are reasonable and generally supported by the administration.

Mr. ROYBAL. Mr. Speaker, I have no further requests for time.

Mr. MILLER of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in strong support of the conference agreement. The conference report before us today is an important conference agreement covering a very wide range of programs and offices. Let me highlight just a few for our colleagues.

This conference report funds nuts and bolts offices of the Federal Government, ranging from the General Services Administration to the Office of Personnel Management to the Bureau of the Mint. It funds programs essential to law enforcement in our country. For example, the conference agreement includes $687 million for the U.S. Customs Service, including a specially earmarked $44 million for the air interdiction program. This funding also adds 1,000 inspectors above the request, which is also 100 above last year's level, to help regulate the flow of drugs coming into this country. Considering the low price of drugs on the street in this country, these inspectors are desperately needed.

The bill also includes full funding for the U.S. Postal Service, which will keep postage rates for nonprofit mailers and rural newspapers at current rates. In view of the difficulties which many of our charitable organizations are already having raising needed funds, this provision will have important implications for the charitable organizations ranging from veterans' groups to church groups to boy scouts to educational institutions.

Like others of my colleagues, I wish that the overall funding level could have been lower and, believe me, we made every effort to whittle pennies, nickels, and dollars from this budget. But in the end, I think we have a reasonably good compromise, one which the administration tells me they can live with and which I believe our colleagues can live with.

So I urge, Mr. Speaker, the adoption of the conference report.

Mr. PARRIS. Mr. Speaker, I rise in support of the Senate language in this conference report that addresses a very serious crime issue facing the Nation and would at the same time, save the taxpayers hundreds of millions of dollars.

The Senate has added to this conference report a bill called the Comprehensive Crime Control Act of 1984. This provision will deny criminals many of the proceeds of their crimes and will make it easier for the Federal Government to sell or use seized property. It also streamlines procedures for seizing property and allows the U.S. Customs Service and the drug enforcement administration to transfer forfeited property to State and local law-enforcement agencies that assisted them.

We have a real scandal taking place with conveyances the Federal Government has seized across the Nation. There are literally thousands of boats, planes, and automobiles being stored

and maintained at Government expense for periods exceeding 2 years because customs and other agencies are not permitted to dispose of these items.

During recent years, law enforcement agencies such as Customs, Coast Guard, and the Drug Enforcement Administration have been hitting smugglers hard and where it hurts—the pocketbook. "Operation Florida" is the most famous, but is only one small part of the increasing law enforcement initiative of Customs and the rest of the law enforcement community. Due to the ever increasing activities of the smuggling community and the law enforcement response, seizures of drug-related assets and conveyances have drastically increased in the past 3 years. During fiscal year 1982, Customs officials seized almost 6,000 vehicles, 206 aircraft, and $32.7 million in currency and monetary instruments. Customs and Coast Guard officers seized 500 vessels during the same period of time. Forfeitures of these drug assets under Customs and related laws are civil in nature and are "in-rem" proceedings against the property itself rather than against the actual smugglers. In many respects, the civil forfeitures are more effective than criminal forfeitures because of the simplicity of the forfeiture proceeding and the proof required to obtain actual forfeiture. In addition, the ability to immediately seize articles used in illegal acts can put an immediate strain on the smuggling operation. However, under the current state of the law, these assets are, in many cases, "strangling" the very agencies which seize them.

When an agency seizes a conveyance, proceedings must be instituted to perfect title in the Federal Government. At the conclusion of these proceedings, the items may be retained for official use by the seizing agency or transferred to another Federal agency, or they may be sold at public sale (with the proceeds used to pay for the expenses of seizure and the excess transferred to the Treasury). Under the current law, only articles valued at $10,000 or less may be forfeited through a relatively brief and inexpensive administrative (nonjudicial) forfeiture proceeding, unless a claimant chooses to contest the forfeiture by posting a $250 bond in order to bring the matter into the court system. Items valued in excess of $10,000 must go through a rather formal, expensive, and time-consuming judicial forfeiture proceeding, whether or not there is a claim to the property. Since criminal cases have preference on the court dockets, and these proceedings are civil in nature, they have a low priority. An irony of the procedure is that uncontested cases involving assets valued over $10,000 (such as "mother-ships") must be judicially forfeited and may in fact have the lowest priority of all as no claimant, other than the Federal Government, is moving the court to speed up the process. During the forfeiture proceedings, the seizing agency must store, maintain, and provide custody of the property. When a forfeiture decree is finally entered, the property has frequently deteriorated in condition and depreciated tremendously in value while the storage costs have accumulated, in some cases exceeding the value of the article. The tragedy, of course, is that the taxpayers are the big losers in the process. Instead of recouping costs and being able to use the vessel or aircraft (or alternatively depositing substantial sale proceeds in the Federal Treasury), the seizing agencies must use appropriated funds to offset the increased expenses due to time delays. Also, law enforcement personnel are forced to become part-time property managers. They have been burdened with management of this property, but they lack the expertise and resources to properly manage it.

In recent weeks, I have had several meetings with representatives of the U.S. Customs Service to understand for myself the extent of the problems addressed by this bill. While the bill equally concerns the Department of Justice agencies as well as the Customs Service, the results of my meetings were astounding. In the Miami Customs Region alone, there are currently 738 vessels under seizure and awaiting forfeiture. These vessels had an appraised value at the time of seizure of over $27 million and cost the Customs Service almost $3.8 million per year to maintain custody. This cost amounts to over $5,000 per year per vessel for storage and related costs. In addition, due to the increasing backlog in Federal courts as a result of Operation Florida, the civil forfeitures may take over 18 months to complete, whether or not there is a claimant for the vessel. In addition to the vessels, the Miami Customs Region currently has 112 aircraft and 250 vehicles under seizure. The situation is abominable. The vessels and aircraft have, in many cases, depreciated or been vandalized to such an extent that, if sold, they will bring a small portion of their value at the time of seizure. If a seizing agency wishes to retain the item for official use, it will be unable to do so because of its deteriorated condition. In addition, innocent third parties (such as lien holders) to whom the conveyances may be returned upon forfeiture of the principal's interest in the property, may also suffer because the proceeds may be insufficient to cover their interests.

This conference report would remedy this situation in several different ways. Most importantly, it would raise the value of property subject to administrative forfeiture to $100,000 and would eliminate any monetary limit for conveyances used to import, export, or otherwise transport controlled substances. The rights of any party wishing to contest a forfeiture of property are protected by virtue of their right to post a bond (set by the bill at $2,500, or 10 percent of the value of the property but not less than $250) in order to require the Government to proceed judicially. While I believe that the $2,500 bond may still be too low to discourage the filing of frivolous suits, these provisions will assure administrative, in lieu of the costly drawn out judicial, forfeiture in a majority of the cases due to the fact that so many are uncontested. The second major portion of the bill would establish "forfeiture funds" for both the Department of Justice and the Customs Service. The funds will be buoyed by the proceeds of sale (after deducting expenses) of property seized by the respective agencies and ultimately forfeited to the United States. The funds would be available for the payment of all proper expenses of the seizure, including storage, maintenance, security and disposition; certain liens against the property; awards of compensation to informers; and for equipping forfeited conveyances to be used by the Customs Service or by the Justice agencies for law enforcement functions as appropriate.

The problems and the costs are tremendous. The answer is simple. We must untie the hands of our law enforcement community which has been suffering by its own efficiency. Up until today the more the agency seizes, the better it does its job, the longer it takes to forfeit that property because of backlogs in the court. The longer it takes, the more expensive it is, and the more expensive it is, the greater is the need to use the agencies' appropriations to care for property. These appropriations must be released for the purpose for which they were intended, the actual law enforcement functions of these agencies. The funds established by this bill will permit flexibility in developing streamlined seizure and forfeiture procedures which, when coupled with increased availability of administrative forfeitures, should result in enormous monetary savings or revenues to the Federal Government. The General Services Administration, as the centralized property manager for the Government, is currently developing with some measure of success, agreements with the law enforcement agencies to take over the storage, maintenance, security, and disposition of much of this property on a reimbursable basis. These agreements will allow the law enforcement agencies to concentrate on their primary missions. Since GSA has the expertise in property management, that

agency could best perform the management and disposition of this property, and therefore, I plan to strengthen GSA's role in this area by introducing appropriate legislation in the near future.

My legislation will enable the Federal Government to inventory the boats, planes, and cars that have been seized nationwide and will also enable the Federal Government to advertise and market these conveyances in a more responsible manner.

● Mr. ANDERSON. Mr. Speaker, I rise in strong support of the conference report for H.R. 5798, the Treasury, Postal Service, and general Government appropriations bill for fiscal year 1985.

At the outset, I would like to congratulate my good friend from southern California, the chairman of the subcommittee, ED ROYBAL, and the ranking minority member of the subcommittee, CLARENCE MILLER, on crafting another fine bill. Commendations are also, of course, in order for Chairman JAMIE WHITTEN and the ranking minority member of the full committee, SIL CONTE.

Of particular interest to me is language in title IV of the report relating to the construction of a new, 187,000 occupiable square foot office building in Long Beach, CA. Specifically, $20 million is provided to begin construction next year on this badly needed facility.

So that my colleagues may have a better idea why this facility is needed, some background on the project might be useful.

The construction of a new Federal building in Long Beach is one which I have envisioned since local civic leaders initiated a downtown redevelopment plan in 1975.

It wasn't until about 3 years ago, however, that I formally charted a plan of action to get this project off the ground. At that time, the Committee on Public Works and Transportation was considering numerous Federal office space lease extensions, or prospectuses, at various cities across the country. One of these cities happened to be Long Beach.

Upon careful review of the material which was submitted to the committee for approval, I was shocked to find out that the Federal Government wanted to spend nearly $70 million over the next 30 years to simply rent office space in Long Beach. At my request, the committee postponed further action on this matter pending a more thorough examination of the past, present, and projected space needs of the Federal Government in Long Beach.

In July 1982, the Subcommittee on Public Buildings and Grounds held a field hearing in Long Beach to study the space needs of the Federal Government in this area and to hear from local community leaders on whether or not it would be more cost efficient to build a new Federal facility rather than continue leasing space.

Not only did Long Beach leaders testify in support of moving forward with construction but, also, officials from the General Services Administration [GSA], who are, of course, in charge of all real estate transactions for the Federal Government.

Later that same month, the House, at my urging, authorized the construction of a new 105,000 occupiable square foot, $21.7 million, Federal building in Long Beach. As compared to rent extensions previously under consideration, we could save the Treasury roughly $50 million over the next 30 years by constructing a new facility rather than continuing leasing space. And, there is little doubt that this building would be in use well past this 30-year period.

The saga of the Long Beach Federal building does not end here, however. GSA came back to me in 1983 and said that they had reexamined the projected growth in the Long Beach area and, in order to accommodate this growth, we needed to nearly double the size of the Long Beach building. Today, this facility is authorized to contain 187,000 occupiable square feet and is slated to cost $41.1 million. I was told recently that because more Federal agencies want to be relocated to this larger facility, the net savings to the Federal Government over the next 30 years will be roughly $73 million—as compared to the earlier figure of $50 million when the Long Beach building was first authorized.

To date, the President has signed into law, legislation which appropriated $6.2 million for site acquisition and design of the Long Beach building. The site selected and approved is within the new World Trade Center complex. With regard to design, GSA has already announced that this facility will be the first Federal building in the Nation to incorporate, at one location, many high-tech features. Some of these features include passive solar systems, high-strength concrete, state-of-the-art communications, and parabolic lighting. Also, the Long Beach building, will be, in a sense, a living structure whose walls will be able to expand and contract to better accommodate future tenants and their special needs in the years ahead.

In a nutshell, a new Federal office building in Long Beach will not only save the Treasury quite a bit of revenue but, also, better serve those who must conduct business with the Federal Government. Currently, Federal offices are scattered at various locations across Long Beach and the surrounding area. With the House's approval today, we can consolidate these functions which will save us literally millions of hard-earned taxpayer dollars and better serve the residents of Long Beach and the immediate vicinity.

I urge all of my colleagues to support this legislation.●

Mr. ROYBAL. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 276, nays 110, present, not voting 46, as follows:

[Roll No. 382]

YEAS—276

Addabbo	Derrick	Howard
Albosta	DeWine	Hoyer
Alexander	Dicks	Hunter
Anderson	Dingell	Hutto
Andrews (NC)	Dixon	Hyde
Andrews (TX)	Donnelly	Ireland
Annunzio	Dowdy	Jenkins
Applegate	Downey	Johnson
Aspin	Duncan	Jones (NC)
Barnard	Dwyer	Jones (TN)
Barnes	Dymally	Kaptur
Bateman	Early	Kastenmeier
Bates	Eckart	Kazen
Bedell	Edgar	Kennelly
Beilenson	Edwards (AL)	Kildee
Bennett	Edwards (CA)	Kleczka
Berman	Emerson	Kolter
Bevill	Erlenborn	Kostmayer
Biaggi	Evans (IL)	LaFalce
Boehlert	Fascell	Lantos
Boland	Fazio	Leach
Boner	Fiedler	Lehman (CA)
Bonker	Fish	Lehman (FL)
Borski	Flippo	Lent
Bosco	Florio	Levin
Boucher	Foglietta	Levine
Boxer	Foley	Lewis (CA)
Breaux	Ford (MI)	Lewis (FL)
Britt	Ford (TN)	Livingston
Brooks	Fowler	Lloyd
Broomfield	Frank	Long (LA)
Brown (CA)	Frost	Long (MD)
Bryant	Fuqua	Lowry (WA)
Burton (CA)	Garcia	Lujan
Byron	Gaydos	Luken
Campbell	Gejdenson	MacKay
Carr	Gephardt	Madigan
Chandler	Gilman	Martinez
Chappell	Gonzalez	Matsui
Clarke	Goodling	Mavroules
Clay	Gore	Mazzoli
Clinger	Gray	McCain
Coelho	Green	McCloskey
Coleman (MO)	Gunderson	McDade
Coleman (TX)	Hall (IN)	McGrath
Collins	Hall (OH)	McHugh
Conte	Hall, Ralph	McKernan
Conyers	Hamilton	McKinney
Cooper	Hammerschmidt	McNulty
Corcoran	Harkin	Mica
Coughlin	Harrison	Mikulski
Courter	Hatcher	Miller (CA)
Coyne	Hawkins	Miller (OH)
Crockett	Hayes	Mineta
Darden	Hefner	Minish
Daschle	Hertel	Mitchell
Daub	Hightower	Moakley
Davis	Hillis	Molinari
de la Garza	Holt	Mollohan
Dellums	Horton	Moody

Moore	Rose	Swift
Morrison (CT)	Rostenkowski	Synar
Mrazek	Roth	Tallon
Murtha	Rowland	Tauzin
Myers	Roybal	Taylor
Natcher	Rudd	Thomas (GA)
Neal	Sabo	Torricelli
Nichols	Savage	Udall
Nowak	Sawyer	Valentine
O'Brien	Scheuer	Vandergriff
Oakar	Schneider	Vento
Obey	Schumer	Volkmer
Ortiz	Shaw	Walgren
Ottinger	Sikorski	Watkins
Panetta	Sisisky	Waxman
Parris	Skelton	Wheat
Pease	Smith (FL)	Whitehurst
Penny	Smith (IA)	Whitley
Petri	Smith (NE)	Whitten
Pickle	Smith (NJ)	Williams (OH)
Price	Smith, Robert	Wise
Quillen	Snowe	Wolf
Rahall	Snyder	Wolpe
Rangel	Solarz	Wortley
Ratchford	Spence	Wright
Regula	Spratt	Wyden
Reid	St Germain	Wylie
Ridge	Staggers	Yates
Robinson	Stark	Yatron
Rodino	Stokes	Young (AK)
Roe	Stratton	Young (FL)
Rogers	Sundquist	Young (MO)

NAYS—110

Archer	Hansen (UT)	Pashayan
AuCoin	Hartnett	Patman
Badham	Hiler	Paul
Bartlett	Hopkins	Porter
Bereuter	Hubbard	Pursell
Biliraki	Huckaby	Ray
Bliley	Hughes	Ritter
Brown (CO)	Jacobs	Roberts
Broyhill	Jones (OK)	Roemer
Burton (IN)	Kasich	Roukema
Carper	Kindness	Russo
Chappie	Kramer	Schaefer
Coats	Lagomarsino	Schroeder
Craig	Leath	Schulze
Crane, Daniel	Levitas	Seiberling
Crane, Philip	Loeffler	Sensenbrenner
Daniel	Lott	Sharp
Dannemeyer	Lowery (CA)	Shelby
Dickinson	Lundine	Shumway
Dorgan	Lungren	Shuster
Dreier	Mack	Siljander
Durbin	Marlenee	Skeen
Edwards (OK)	Marriott	Slattery
English	McCandless	Smith, Denny
Erdreich	McCollum	Solomon
Evans (IA)	McCurdy	Stangeland
Feighan	McEwen	Stenholm
Fields	Michel	Tauke
Franklin	Montgomery	Thomas (CA)
Frenzel	Moorhead	Vander Jagt
Gekas	Morrison (WA)	Vucanovich
Glickman	Murphy	Walker
Gradison	Nelson	Williams (MT)
Gregg	Nielson	Winn
Hall, Sam	Olin	Wirth
Hance	Oxley	Zschau
Hansen (ID)	Packard	

NOT VOTING—46

Ackerman	Heftel	Richardson
Akaka	Jeffords	Rinaldo
Anthony	Kemp	Shannon
Bethune	Kogovsek	Simon
Boggs	Latta	Studds
Bonior	Leland	Stump
Carney	Lipinski	Torres
Cheney	Markey	Towns
Conable	Martin (IL)	Traxler
D'Amours	Martin (NC)	Weaver
Dyson	Martin (NY)	Weber
Ferraro	Oberstar	Weiss
Gibbons	Owens	Whittaker
Gingrich	Patterson	Wilson
Gramm	Pepper	
Guarini	Pritchard	

□ 1230

Mr. THOMAS of California and Mr. SAM B. HALL, JR., changed their votes from "yea" to "nay."

Messrs. CAMPBELL, MOAKLEY, and TAYLOR changed their votes from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to consider was laid on the table.

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore. The Clerk will designate the first amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 6: Page 3, line 4, after "Center," insert "as a bureau of the Department of the Treasury,".

MOTION OFFERED BY MR. ROYBAL

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

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 6, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 7: Page 3, line 12, after "3109" insert ": *Provided*, That funds appropriated in this account shall be available for State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation; acceptance of gifts; training of private sector security officials on a space-available basis with reimbursement of actual costs to this appropriation; travel expenses of non-Federal personnel to attent State and local course development meetings at the Center".

MOTION OFFERED BY MR. ROYBAL

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

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 7, and concur therein.

The motion was agreed to.

The SPEAKER Pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 11: Page 4, line 1, after "Director;" insert "not to exceed $5,000 for official reception and representation expenses;".

MOTION OFFERED BY MR. ROYBAL

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

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 11, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 13: Page 4, after line 18, insert:

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Customs Service, including purchase of two hundred motor vehicles for replacement only, including one hundred and ninety for police-type use; hire of passenger vehicles; not to exceed $10,000 for official reception and representation expenses; and awards of compensation to informers, as authorized by the Act of August 13, 1954 (22 U.S.C. 401); $643,465,000, of which not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations and not to exceed $1,000,000, to remain available until expended, for research: *Provided*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That none of the funds made available by this Act shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of $25,000: *Provided further*, That the Commissioner or his designee may waive this limitation in individual cases in order to prevent excessive costs or to meet emergency requirements of the Service: *Provided further*, That none of the funds made available by this Act may be used for administrative expenses in connection with the proposed redirection of the Equal Employment Opportunity Program: *Provided further*, That none of the funds made available by this Act shall be available for administrative expenses to reduce the number of Customs Service regions below seven during fiscal year 1985.

MOTION OFFERED BY MR. ROYBAL

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

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 13, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 14: Page 4, after line 18, insert:

OPERATION AND MAINTENANCE, AIR INTERDICTION PROGRAM

For expenses, not otherwise provided for, necessary for the hire, lease, acquisition (purchase of three and transfer or acquisition from any other agency), operation and maintenance of aircraft, and other related equipment of the Air Program; $44,425,000.

MOTION OFFERED BY MR. ROYBAL

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

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 14, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 15: Page 4, after line 18, insert:

BUREAU OF THE MINT

SALARIES AND EXPENSES

For necessary expenses of the Bureau of the Mint; $47,758,000.

MOTION OFFERED BY MR. ROYBAL

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

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 15, and concur therein.

The motion was agreed to.

□ 1240

The SPEAKER pro tempore (Mr. HARRISON). The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 20: Page 6, line 19, after "offices" insert ": *Provided further*, That the Internal Revenue Service shall fund the Tax Counseling for the Elderly Program at $2,000,000. The Internal Revenue Service shall absorb within existing funds the $700,000 requested for administrative costs now being charged to the program in order that the full $2,000,000 can be devoted to program requirements".

MOTION OFFERED BY MR. ROYBAL

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

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 20, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 23: Page 9, after line 17, insert:

SEC. 104. Not to exceed 2 per centum of any appropriations in this Act for the Department of the Treasury may be transferred between such appropriations. However, no such appropriation shall be increased or decreased by more than 2 per centum and any such proposed transfers shall be approved in advance by the Committees on Appropriations of the House and Senate.

MOTION OFFERED BY MR. ROYBAL

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

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 23 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

SEC. 104. Not to exceed 1 per centum of any appropriations in this Act for the Department of Treasury may be transferred between such appropriations. However, no such appropriations shall be increased or decreased by more than 1 per centum and any such proposed transfers shall be approved in advance by the Committees on Appropriations of the House and Senate.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 24: Page 9, after line 17, insert:

SEC. 105. None of the funds appropriated by this Act or any other Act shall be used to impose or assess any tax due under subchapter D of chapter 32 of the Internal Revenue Code of 1954, as amended, sections 4161 and 4181, in all cases where less than fifty items are manufactured or produced per annum.

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I move that the House recede from its disagreement to the amendment of the Senate numbered 24, and concur therein.

POINT OF ORDER

Mr. ROSTENKOWSKI. Mr. Speaker, I make a point of order against the Senate amendment No. 24.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. ROSTENKOWSKI. Mr. Speaker, I make a point of order against Senate amendment numbered 24 on the grounds it is a tax measure on an appropriations bill in violation of paragraph (b), clause 5 of House rule 21.

Mr. Speaker, Senate amendment numbered 24 reinstates a provision prohibiting the use of funds to impose or assess the manufacturer's excise tax on sporting goods and firearms where less than 50 items are manufactured or produced annually. Present law imposes a manufacturer's excise tax of generally 10 percent on the sale of sporting goods, pistols and revolvers, and 11 percent on the sale of other firearms (Code sections 4161 and 4181). Senate amendment 24 overrides these provisions by preventing the Treasury Department from collecting those excise taxes in all cases where less than 50 items are manufactured or produced annually.

Paragraph (b), clause 5 of House rule 21 makes bills and resolutions containing tax and tariff measures which are reported by any committee not having jurisdiction to report tax or tariff measures and amendments to such bills or resolutions in the House or proposed by the Senate subject to a point or order at any time during House consideration of the legislation.

Just as tax measures include all provisions having the substantive effect of amending the Internal Revenue Code to impose a tax, the term also encompasses provisions having the substantive effect of amending the Internal Revenue Code to repeal a tax. Since Senate amendment numbered 24 prevents the Treasury Department from imposing or assessing the manufacturer's excise tax on sporting goods and firearms in certain cases, it in effect repeals the excise tax for a limited class of taxpayers. Thus, this provision is clearly a substantive amendment of the tax laws and a tax measure within the scope of rule 21.

I urge the Chair to sustain this point of order.

The SPEAKER pro tempore. Does the gentleman from California [Mr. ROYBAL] wish to be heard on the point of order?

Mr. ROYBAL. Mr. Speaker, I agree with the gentleman, and I concede the point of order.

The SPEAKER pro tempore. The point of order against the motion is conceded and sustained.

MOTION OFFERED BY MR. ROYBAL

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

The Clerk read as follows:

Mr. ROYBAL moves that the House insist on its disagreement to the amendment of the Senate numbered 24.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 25: Page 9, after line 17, insert:

SEC. 106. None of the funds made available by this Act may be used to place the United States Secret Service, the United States Customs Service, and the Bureau of Alcohol, Tobacco and Firearms under the operation, oversight, or jurisdiction of the Inspector General of the Department of the Treasury.

MOTION OFFERED BY MR. ROYBAL

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

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 25, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 26: Page 9, after line 17, insert:

SEC. 107. (a) The Secretary of the Treasury is authorized and directed to admit free of duty any article provided by the Max Planck Institute for Radioastronomy of the Federal Republic of Germany to the joint astronomical project being undertaken by the Steward Osbervatory of the University of Arizona and the Max Planck Institute for the construction, installation, and operation of a sub-mm telescope in the State of Arizona: *Provided*, That such article satisfies each of the following conditions:

(1) Such article qualifies as "instruments and apparatus" under headnote 6(a) of schedule 8, part 4, TSUS, 19 U.S.C. section 1202 (1970); 80 Stat. 897.

(2) No instruments or apparatus of equivalent scientific value for the purposes for which such article is intended to be used is being manufactured in the United States. For purposes of this condition, scientific testing equipment provided by the Max Planck Institute and necessary for aligning, calibrating, or otherwise testing an instrument or apparatus shall be considered to be part of such instrument or apparatus.

(b) The University of Arizona and/or the Max Planck Institute shall submit to the United States Customs Service and to the International Trade Administration descriptions of the articles sought to be admitted free of duty containing sufficient detail to allow the United States Customs Service to

determine whether subsection (a)(1) is satisfied and the International Trade Administration to determine whether subsection (a)(2) is satisfied. The descriptions may be submitted in a single or in several submissions to each agency, as the University of Arizona and the Max Planck Institute shall deem appropriate during the course of the project. The United States Customs Service and the International Trade Administration are directed to make their respective determinations within ninety days of the date that they have received a sufficient submission with respect to an article or articles.

(c) The Secretary of the Treasury is authorized and directed to readmit free of duty any article admitted free of duty under subsection (a) and sebsequently returned to the Federal Republic of Germany for repair, replacement, or modification.

(d) The Secretary of the Treasury is authorized and directed to admit free of duty any repair components for articles admitted free of duty under subsection (a).

(e) If any article admitted free of duty under subsections (a) is used for any purpose other than the joint project within five years after being entered, duty on the article shall be assessed in accordance with the procedures established in headnote 1 of schedule 8, part 4, TSUS, 19 U.S.C. section 1202 (1970); 80 Stat. 897.

(f) The provisions of subsection (a) shall apply with respect to articles entered for consumption after the day which is fifteen days after the date of enactment of this Act and before November 1, 1993.

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I move that the House recede from its disagreement to the amendment of the Senate numbered 26, and concur therein.

POINT OF ORDER

Mr. ROSTENKOWSKI. Mr. Speaker, I make a point of order against Senate amendment No. 26.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. ROSTENKOWSKI. Mr. Speaker, I made a point of order against Senate amendment numbered 26, reported by the conference committee on H.R. 5798 in technical disagreement, on the grounds that it violates paragraph (b), clause 5, rule 21 of the Rules of the House of Representatives.

Mr. Speaker, the Senate provision amends the Tariff Schedules of the United States to provide for duty-free importation of a telescope for the University of Arizona.

Paragraph (b), clause 5 of rule 21 makes bills and resolutions containing tax and tariff measures which are reported by any committee not having jurisdiction to report tax or tariff measures, and amendments to such bills or resolutions in the House or proposed by the Senate, subject to a point of order at any time during House consideration of the legislation.

Mr. Speaker, the Senate amendment is clearly a tariff measure since it changes present statutory treatment of an imported article from dutiable to duty-free status, thereby prohibiting executive branch officials from collecting the Customs revenue on this particular article as required under existing tariff law.

Therefore, I urge the Chair to sustain this point of order against Senate amendment numbered 26. I would add, Mr. Speaker, that the Committee on Ways and Means has reported an identical provision in H.R. 6064 for early consideration by the House.

The SPEAKER pro tempore. Does the gentleman from California [Mr. ROYBAL] desire to be heard on the point of order?

Mr. ROYBAL. Yes, Mr. Speaker. I concede the point of order.

The SPEAKER pro tempore. The point of order against the motion is conceded and sustained.

MOTION OFFERED BY MR. ROYBAL

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

The Clerk read as follows:

Mr. ROYBAL moves that the House insist on its disagreement to the amendment to the Senate numbered 26.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 27: Page 10, line 8, after "level" insert ": *Provided further*, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer".

MOTION OFFERED BY MR. WHITTEN

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

The Clerk read as follows:

Mr. WHITTEN moves that the House insist on its disagreement to the amendment of the Senate numbered 27.

The SPEAKER pro tempore. The gentleman from Mississippi [Mr. WHITTEN] will be recognized for 30 minutes and the gentleman from Ohio [Mr. MILLER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. WHITTEN].

Mr. WHITTEN. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I make this motion to point up some of the difficulties we have had through the years with the various opinions of many of my colleagues on the legislative committees and our Committee on Appropriations. Periodically we have carried legislation on appropriation bills but most of the time it has been at the suggestion of the legislative committees or at least without opposition.

In the conference agreement before us, our colleagues on the Senate side had included in their bill legislative provisions, encroaching on the jurisdiction of the Committee on Ways and Means, of the Judiciary Committee, of the Post Office and Civil Service Committee and that of the Government Operations Committee.

The Senate conferees insisted on these legislative provisions which are not within the rules of the House.

I took exception to these provisions and personally oppose receding and concurring with such provisions. They are amendments numbered 24, 26, 27, 66, and 92.

On yesterday, I met with Chairman ROYBAL, and it was agreed that motions to insist on the House positions would be offered. I wrote the chairmen of the legislative committees of this agreement, and assured them such motions to insist would be offered.

Today, points of order were made against amendments 24 and 26 which were conceded, and I understand a similar situation will occur on amendment No. 92. With regard to the pending amendment I had agreed to make the motion to insist in that it is within the jurisdiction of the legislative committee and not the Appropriations Committee.

In making the motion, I am carrying out a commitment and do not pass judgment on the merits of the provision.

So on that basis I offer this motion.

I reserve the balance of my time.

Mr. MILLER of Ohio. Mr. Speaker, I yield 10 minutes to the gentleman from Massachusetts [Mr. CONTE].

□ 1250

Mr. CONTE. Mr. Speaker, as a member of the conference committee, I regretfully rise in opposition to my chairman's [Mr. WHITTEN] motion.

I served on the Subcommittee on Treasury and Postal Service for many, many years under the great leadership of Tom Steed. When Tom left, ED ROYBAL took over as chairman. ED has really done a fantastic job in leading this subcommittee, and he did a good job in bringing this conference report to the floor.

Compromise is what conferences are all about. There is a great deal of give and take on many issues, including legislative provisions. If all of us were to cast the first stone with regard to legislation on appropriation bills, I think that we would find there would be many broken windows in our homes, especially originating in our committee itself. This agreement was a good compromise and, hopefully, we can get this bill signed by the President.

Mr. Speaker, I rise in support of Senate amendment No. 27 which prohibits the Postal Service from using funds in this act to implement a regulation that charges State and local child support enforcement officials a fee for address information.

I would point out to my colleagues that just last month the bipartisan efforts of both bodies resulted in our unanimous passage of one of the most significant pieces of legislation in this Congress, the Child Support Enforcement Amendments of 1984 (Public Law 98-378).

This amendment furthers our strong commitment to the millions of American children who have been victimized by the irresponsibility of an absent parent. It merely extends to the State and local agencies that collect child support and enforce child support laws the same exemption from a fee that the Postal Service grants other law enforcement officials.

HHS Secretary Heckler has communicated to me her strong support of the amendment, because it enhances the ability of the States and localities to collect child support. I will include, for the RECORD, a copy of the Secretary's letter. I urge my colleagues to support the motion to recede and concur.

THE SECRETARY OF HEALTH AND HUMAN SERVICES,
Washington, DC, August 8, 1984.

DEAR CONFEREE: I want to express the Administration's strong support for Senator Hawkins' amendment to H.R. 5798, the FY 1985 Treasury, Postal Service, and General Government Appropriations bill, that would prohibit the Postal Service from charging fees for address information in connection with State and local child support enforcement activities.

As you know, the Senate has just unanimously adopted the conference report on the "Child Support Enforcement Amendments of 1984", H.R. 4325, and the report will shortly be voted on, and without doubt approved, by the House. That bill, greatly strengthening the ability of States and localities to collect child support, is landmark legislation for which there is broad, bi-partisan support. The Hawkins amendment will enhance that effort and should therefore be adopted by the conference.

The Postal Service already exempts from fees under certain circumstances law enforcement officers, court officials, and public health officials based on the public benefit of their services. State and local child enforcement agencies save millions of the taxpayers dollars each year and yield important social benefits through establishment of paternity and strengthening of family responsibilities. Certainly the agencies involved with securing support for our children meet the criterion for exemption based on benefit to the public.

We are advised by the Office of Management and Budget that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

MARGARET M. HECKLER,
Secretary.

Mr. LIVINGSTON. Mr. Speaker, will the gentleman yield to me?

Mr. CONTE. I yield to my friend, the gentleman from Louisiana [Mr. LIVINGSTON.]

Mr. LIVINGSTON. I thank the gentleman for yielding.

Mr. Speaker, if I may, I would like to address a question to the gentleman [Mr. CONTE]: As I understand it, this fee is already waived by the Postal Service for Federal, State, and local law enforcement officers, court officials, as well as for Federal, State, and local public health officials.

So all this amendment really does is extend the same waiver to child support enforcement officials who would be undertaking the duties set forth in the act which we passed in this House just a month ago.

Mr. CONTE. The gentleman [Mr. LIVINGSTON] is absolutely right. This amendment merely grants the same exemption that the Postal Service gives to other law enforcement agencies.

Mr. LIVINGSTON. I appreciate the gentleman clarifying that point for me.

Mr. CONTE. Let me say this: Looking at the bottom line of this problem. This program may help take aid to dependent mothers off the welfare roll and put the proper burden on the backs of fathers who have escaped the responsibility, taken off into another State. In the end, it may decrease the budget deficit that we have here and put some people back to work.

Mr. LIVINGSTON. And of course this is an issue that women have been complaining about for years and years.

Mr. CONTE. The gentleman is correct. However, I am really surprised that there are not more women Members here on the floor today supporting this amendment.

Mr. LIVINGSTON. I appreciate the gentleman's comments.

Mr. Speaker, I rise in support of the gentleman's [Mr. CONTE] position.

Mr. MILLER of Ohio. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WHITTEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 1, nays 389, not voting 42, as follows:

[Roll No. 383]

YEAS—1

Cooper

NAYS—389

Ackerman
Addabbo
Albosta
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Applegate
Archer
Aspin
AuCoin
Badham
Barnard
Barnes
Bartlett
Bateman
Bedell
Beilenson
Bennett
Bereuter
Berman
Bethune
Bevill
Biaggi
Biliraki
Bliley
Boehlert
Boland
Boner
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Bryant
Burton (CA)
Burton (IN)
Byron
Campbell
Carper
Carr
Chandler
Chappell
Chappie
Clarke
Clay
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conte
Conyers
Corcoran
Coughlin
Courter
Coyne
Craig
Crane, Daniel
Crane, Philip
Crockett
Daniel
Dannemeyer
Darden
Daschle
Daub
Davis
de la Garza
Dellums
DeWine
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Erlenborn
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Fiedler
Fields
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Franklin
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gore
Gradison
Gray
Green
Gregg
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Hansen (ID)
Hansen (UT)
Harkin
Harrison
Hartnett
Hatcher
Hawkins
Hayes
Heftel
Hertel
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kennelly
Kildee
Kindness
Kleczka
Kogovsek
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Leath
Lehman (CA)
Lehman (FL)
Lent
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Livingston
Lloyd
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Lungren
Mack
MacKay
Marlenee
Marriott
Martin (IL)
Martinez
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKernan
McNulty
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Minish
Mitchell
Moakley
Molinari
Mollohan
Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
O'Brien
Oakar
Obey
Olin
Ortiz
Ottinger
Owens
Oxley
Packard
Panetta
Parris
Pashayan
Patman
Patterson
Paul
Pease
Penny
Petri
Pickle
Porter
Price
Pritchard
Pursell
Quillen

Rahall	Shumway	Torricelli
Rangel	Shuster	Traxler
Ratchford	Sikorski	Udall
Ray	Siljander	Valentine
Regula	Sisisky	Vander Jagt
Ridge	Skeen	Vandergriff
Rinaldo	Skelton	Vento
Ritter	Slattery	Volkmer
Roberts	Smith (IA)	Vucanovich
Robinson	Smith (NE)	Walgren
Rodino	Smith (NJ)	Walker
Roe	Smith, Denny	Watkins
Roemer	Smith, Robert	Weaver
Rogers	Snowe	Weber
Rose	Snyder	Wheat
Rostenkowski	Solarz	Whitehurst
Roth	Solomon	Whitley
Roukema	Spence	Whitten
Rowland	Spratt	Williams (MT)
Roybal	St Germain	Williams (OH)
Rudd	Staggers	Winn
Russo	Stangeland	Wirth
Sabo	Stark	Wise
Savage	Stenholm	Wolf
Sawyer	Stokes	Wolpe
Schaefer	Stratton	Wortley
Scheuer	Sundquist	Wright
Schneider	Swift	Wyden
Schroeder	Synar	Wylie
Schulze	Tallon	Yates
Schumer	Tauke	Yatron
Seiberling	Tauzin	Young (AK)
Sensenbrenner	Taylor	Young (FL)
Sharp	Thomas (CA)	Young (MO)
Shaw	Thomas (GA)	Zschau
Shelby	Torres	

NOT VOTING—42

Akaka	Gramm	Oberstar
Alexander	Guarini	Pepper
Anthony	Hefner	Reid
Bates	Jeffords	Richardson
Boggs	Kemp	Shannon
Bonior	Leland	Simon
Carney	Lipinski	Smith (FL)
Cheney	Madigan	Studds
Conable	Markey	Stump
D'Amours	Martin (NC)	Towns
Derrick	Martin (NY)	Waxman
Dickinson	Matsui	Weiss
Dyson	McKinney	Whittaker
Ferraro	Mineta	Wilson

□ 1310

Messrs. GONZALEZ, MURPHY, OWENS, and KOGOVSEK changed their votes from "yea" to "nay."

So the motion was rejected.

The result of the vote was announced as above recorded.

MOTION OFFERED BY MR. CONTE

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

The Clerk read as follows:

Mr. CONTE moves that the House recede from its disagreement to the amendment of the Senate numbered 27, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore (Mr. HARRISON). The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 28: Page 10, line 8, after "level" insert ": *Provided further, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in the fiscal year ending on September 30, 1985".*

MOTION OFFERED BY MR. ROYBAL

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

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 28, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 34: Page 17, line 7, strike out "$2,250,288,000" and insert "$2,227,802,000".

MOTION OFFERED BY MR. ROYBAL

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

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 34 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following: $2,252,221,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 35: Page 17, line 7, strike out "$106,814,000" and insert "$100,299,000".

MOTION OFFERED BY MR. ROYBAL

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

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 35 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert the following: "$120,229,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 37: Page 17, after line 14, insert:

District of Columbia:

Old Post Office, $1,750,000

MOTION OFFERED BY MR. ROYBAL

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

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 37, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 46: Page 20, after line 7, insert:

Nevada:

Las Vegas, Federal Building, $941,000

MOTION OFFERED BY MR. ROYBAL

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

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 46, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 49: Page 21, line 7, after "operations" insert ": *Provided further,* That none of the funds provided in this Act shall be used to move the existing Spartanburg, South Carolina Social Security Office into the Federal Building in Spartanburg, South Carolina".

MOTION OFFERED BY MR. ROYBAL

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

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 49, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 51: Page 22, line 16, after "collections:" insert *"Provided further,* That of the funds appropriated in Public Law 98-8, under the heading of "Maintaining and protecting Public Investment Federal Buildings", $3,000,000 is authorized and may be expended for phase II, additional construction at the James J. Rowley Secret Service Training Center in Beltsville, Maryland:".

MOTION OFFERED BY MR. ROYBAL

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

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 51, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 52: Page 22, line 21, strike out "$2,250,228,000" and insert "$2,227,802,000".

MOTION OFFERED BY MR. ROYBAL

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

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 52 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following: "$2,252,221,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 57: Page 25, strike out lines 1 to 11, inclusive, and insert:

NATIONAL DEFENSE STOCKPILE TRANSACTION FUND

LIMITATION ON AVAILABILITY OF FUNDS

During the fiscal year ending September 30, 1985, and more than $250,000,000 in addition to amounts previously appropriated, all to remain available until expended, may be obligated from amounts in the National Defense Stockpile Transaction Fund for the

acquisition of strategic and critical materials under section 6(a)(1) of the Strategic and Critical Material Stock Piling Act (50 U.S.C. 98e(a)(1)) and for transportation and other incidental expenses related to such acquisition: *Provided*, That none of the funds appropriated by this paragraph may be used to purchase any copper for the National Defense Stockpile that is not mined and smelted in the United States.

MOTION OFFERED BY MR. ROYBAL

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

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 57 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following:

NATIONAL DEFENSE STOCKPILE TRANSACTION FUND

LIMITATION ON AVAILABILITY OF FUNDS

During the fiscal year ending September 30, 1985, not more than $185,000,000 in addition to amounts previously appropriated, all to remain available until expended, may be obligated from amounts in the National Defense Stockpile Transaction Fund for the acquisition of strategic and critical materials under section 6(a)(1) of the Strategic and Critical Material Stock Piling Act (50 U.S.C. 98e(a)(1)) and for transportation and other incidental expenses related to such acquisition: *Provided*, That none of the funds appropriated by this paragraph may be used to purchase any strategic and critical materials for the National Defense Stockpile that are not mined and refined in the United States; *Provided further*, That this paragraph shall only apply to those strategic and critical materials that are currently mined and refined in the United States or which can be produced domestically at the levels and quantities required by the Federal Emergency Management Agency.

Mr. ROYBAL (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 66: Page 28, after line 20, insert:

SEC. 406. (a) A portion of the funds appropriated by this Act for the operation, maintenance, and protection of Presidential archival depositories shall be used by the Administrator of General Services to establish in the National Archives Trust Fund a separate endowment for the maintenance, operation, and protection of each Presidential archival depository, to which shall be credited any gifts or bequests received under section 2108(g) of title 44, United States Code, that are offered for such depository. Income to each such endowment shall be available to cover the cost of maintenance, operation, and protection of such depository, but not the cost of the performance of archival functions under such title.

(b) Funds appropriated by this Act may not be used by the administrator of General Services to accept or take title to any land, building, or equipment under section 2108(a) of title 44, United States Code, or to make any agreement to use any land, building, or equipment under such section, for the purpose of creating a Presidential archival depository, unless the administrator determines that there is available, by gift or bequest for deposit under subsection (a) in an endowment with respect to that depository, an amount to cover, or insure sufficient income to cover—

(A) the total cost of acquiring or constructing the buildings and of acquiring and installing the equipment for such depository;

(B)(i) if title to the land is to be vested in the United States, the cost of acquiring the land upon which such buildings are situated, or such other measure of the value of such land as is mutually agreed upon by the Administrator and the donor; or

(ii) if title to the land is not to be vested in the United States, the cost to the donor of any improvements (other than such buildings and equipment) to the land upon which such buildings are situated; and

(C) the costs of maintaining, operating, and protecting such depository in each fiscal year, but not of performing the archival functions under title 44, United States Code, for such depository in each fiscal year.

(c) The terms of this section shall not apply to the libraries built or to be built by the incumbent or past Presidents of the United States.

(d) A portion of the funds appropriated by this Act shall be used by the Administrator of General Services to conduct a study to plan for the establishment, in the General Services Administration, of a National Archival Center for Presidential Papers, in which may be deposited all Presidential records and historical materials of former Presidents who leave office after 1989. The Administrator of General Services shall transmit such study to the Congress within one year after the date of enactment of this Act.

MOTION OFFERED BY MR. WHITTEN

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

The Clerk read as follows:

Mr. WHITTEN moves that the House insist on its disagreement to the amendment of the Senate numbered 66.

The SPEAKER pro tempore. On this motion the gentleman from Mississippi [Mr. WHITTEN] will be recognized for 30 minutes and the gentleman from Ohio [Mr. MILLER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. WHITTEN].

Mr. WHITTEN. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I think I owe my colleagues an explanation of the recent vote. May I say I pointed out earlier that our colleagues on the Senate side often do not abide by the rules on legislation and germaneness, and too frequently they amend appropriation bills to include entire legislative bills that are lengthy and do not belong on appropriations measures.

In action on this bill, the conference agreed to an amendment (No. 92) which entails a legislative bill of 40 pages under the jurisdiction of the Ways and Means and Judiciary Committees. I took exception to that when I signed the conference report. I also excepted on three Senate amendments which deal with the tax code and thus may violate the Rules of the House. We also have the item we just voted on, and the one that we have here which concerns the gentleman from Texas [Mr. BROOKS] and the Committee on Government Operations, which he ably chairs.

In connection with these amendments, I met with the gentleman from California [Mr. ROYBAL]. As I said earlier I made exceptions on these legislative matters which were far-reaching and encroached upon the jurisdiction of legislative committees. In meeting with the gentleman from California [Mr. ROYBAL] we agreed motions would be made for the House to insist upon its position.

Two of the tax matters have been disposed of as they should have, and I expect amendment No. 92 will be handled in the same manner. It leaves us here, however, with a matter of some seriousness. May I say that I voted against my own motion which I agreed to make a while ago, because the opposition of the legislative committee was not as great as I had originally believed it was.

In this instance, we have a two-page amendment of a legislative nature addressing matters under the jurisdiction of the Committee on Government Operations.

I have a letter from the Government Operations Committee. There is no one in this Congress who has cooperated more with our Committee on Appropriations or with any other committee than Mr. BROOKS of Texas and his Committee on Government Operations.

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I quote from the letter:

DEAR CHAIRMAN WHITTEN: In its consideration of H.R. 5798, the Treasury, Postal Service, Executive Office of the President, and Independent Agencies Appropriations bill for FY 1985, the Senate has inserted an amendment which would change the nature of, and method of, funding presidential libraries. The Committee on Government Operations, which has fully examined this area, produced an investigative report and reported a legislative proposal, H.R. 5584, which has passed the House.

Inasmuch as H.R. 5584 is pending before the Senate and the Senate amendment to H.R. 5798 constitutes legislation in an appropriation bill, we urge that the Committee on Appropriations not accept the Senate amendment and that the amendment not be included in the conference report.

Sincerely,

Jack Brooks, Chairman, Committee on Government Operations; Glenn English, Chairman, Government Informa-

tion, Justice, and Agriculture Subcommittee; Frank Horton, Ranking Minority Member, Committee on Government Operations; Thomas N. Kindness, Ranking Minority Member, Government Information, Justice, and Agriculture Subcommittee.

I assured my friend from Texas that I would oppose this in the conference, and, as I say, I was going from place to place, and I am afraid I did not do it very effectively.

So I am utterly sincerely here, and while earlier I had promised to make the motion, I did. I voted against the motion that I made on the other issue because it made sense. I do say as chairman of the Committee on Appropriations, from time to time we do include legislation in our bills. From time to time we do it at the instigation of the legislative committee. We probably have always had exceptions to the rule. But I say in this instance, certainly it is not in order for us to include a two-page amendment opposed by the legislative committee in whose jurisdiction it lies.

I am serious on this motion to insist on the House position, and I hope I may have the support of the Members.

Mr. Speaker, I yield 10 minutes to the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Speaker, I rise in support of the motion of the gentleman from Mississippi to insist on the House position and in opposition to the Senate amendment dealing with funds for maintaining Presidential libraries. I want to thank the distinguished chairman of the Appropriations Committee, and ED ROYBAL, the subcommittee chairman, for their leadership and help. First, this Senate amendment clearly constitutes an attempt to legislate in an appropriations bill. This particular amendment shows the problems that can be encountered when the legislative committee structure is bypassed and substantive matters are inserted in appropriations legislation.

The subject matter of the Senate amendment, placing requirements on Presidential libraries to support the maintenance costs of such facilities, duplicates the intent of a bill which this House passed on June 25, 1984. That bill, H.R. 5584, was the product of a lengthy and indepth examination by the Government Operations Subcommittee on Government Information, Justice, and Agriculture on how to deal with the rising costs of operating Presidential libraries while preserving this important historical resource. Testimony was received from a number of expert witnesses and the committee carefully weighed the consequences and potential side effects of such legislation.

H.R. 5584 would require that all future Presidential libraries comply with minimum standards prescribed by the Archivist of the United States and that an endowment equal to at least 20 percent of their cost be established, to be used for maintenance of those facilities. I might point out that the endowment requirement of the House bill applies only to the libraries of Presidents taking office for the first time on or after May 9, 1984. The committee felt that it was unfair to change the rules regarding Presidential libraries in the middle of the game, and that it would be fair to impose this requirement only on future Presidents as they plan their libraries.

On the other hand, the Senate amendment, tacked onto an appropriations bill, would apply only to the coming fiscal year rather than providing a permanent legislative solution to the problem. I hope that the gentleman's motion will be accepted and that the Senate amendment will be removed, so that the other body can consider the more carefully thought out and effective solution to the problem of Presidential libraries costs embodied in H.R. 5584.

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

Mr. WHITTEN. I yield to the gentleman from California.

Mr. ROYBAL. I thank the gentleman for yielding.

Mr. Speaker, I would like to say that I fully support the position taken by the chairman of the full committee. This is a Senate amendment that is actually legislation on an appropriations bill. I concur with the remarks that the gentleman has made, and I hope that the House supports him on this issue.

Mr. MILLER of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the gentleman's motion.

● Mr. HORTON. Mr. Speaker, I rise in support of the motion to insist on the House position on Senate amendment No. 66 to H.R. 5798.

The simple fact that this is legislation on an appropriations bill would cause me to oppose this motion to agree to this amendment. It is the flaws in the substance of the provision, however, which prompt me to speak on the issue. This amendment attempts, unsuccessfully, to deal with a matter on which the House has already spoken in a comprehensive and effective way.

On June 25, 1984, the House passed the bill, H.R. 5584, by voice vote on the Suspension Calendar. That bill provides that——

First, all future Presidential libraries must comply with minimum standards prescribed by the Archivist of the United States;

Second, an endowment equal to at least 20 percent of the acquisition cost of the library must be donated for deposit in the National Archives Trust Fund for the libraries of those Presidents taking office after May 9, 1984;

Third, the income to each endowment shall be applied to the building operations costs of that particular Presidential library; and

Fourth, the administrator of General Services and the National Archives Trust Fund Board will have the authority to solicit, as well as accept and receive, gifts or bequests for the benefit of Presidential libraries.

That bill is comprehensive. It is carefully drafted. It will be effective in controlling the growth in some of the costs of the Presidential Library Program. The administration support enactment of that bill.

The amendment now before us, on the other hand, is written in a way which is not likely to have beneficial effect. It would mandate the establishment of endowments to cover the building operations costs of the libraries in a manner which our committee found to be totally impractical. It would also direct the writing of a study on how the Government could lose the benefits it now derives from the gifts of certain land and buildings by private citizens.

Mr. Speaker, the House has already acted constructively on this subject by passing H.R. 5584. I urge my colleagues to reaffirm their wise approach to the issue by voting "yes" on this motion.●

● Mr. KINDNESS. Mr. Speaker, I rise in support of the motion to insist on the House position on Senate amendment No. 66 to H.R. 5798.

It is bad enough that this is legislation on an appropriations bill. What's more, it represents an ineffective and not-well-thought-out attempt to reform the Presidential Library Program.

On June 25, this House passed legislation, H.R. 5584, to deal with the growth in the cost of the Presidential Library Program. That bill was based on a thorough review of the Presidential Library Program going back over several years, and it is carefully crafted to deal with the growth in costs of the program while recognizing the Government's obligation to care for and make available the papers of our Presidents.

I would like to emphasize that last factor—the Government's obligation to care for and make available the papers of our former Presidents. Despite all the rhetoric about Presidential libraries being pyramids and monuments to former Presidents, I fear that some Members, particularly in the other body, have forgotten that the Presidential Records Act of 1978 requires the Federal Government to take possession of, care for, and make available the papers of each President, beginning with our incumbent. This was a significant change in the law

since, prior to enactment of the Presidential Records Act, a President's papers were presumed to be his personal property. That is no longer the case.

Presidential libraries are built entirely with privately-donated funds. They provide an archivally sound place in which to store and make those papers available as is required by the law. Without them, the Government would be forced into capital investment in facilities in which to fulfill its responsibilities under the act. I trust that those who are so concerned over the growth in the cost of the current Presidential library system will take into consideration the countervailing costs to the taxpayers of complying with the Presidential Records Act without the donations of the private sector in the form of land and buildings.

So I urge a "yes" vote on this motion and hope that the other body will expend its energies on something more productive and helpful to the taxpayers—the enactment of H.R. 5584.●

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 70: Page 29, line 20, after *"Provided,"* insert "That pursuant to section 4109(d)(1) of title 5, United States Code, costs for entertainment expenses of the President's Commission on Executive Exchange shall not exceed $12,000: *Provided further,".*

MOTION OFFERED BY MR. ROYBAL

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

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate No. 70, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 72: Page 33, line 3, after "Administration;" insert "to travel of the Office of Personnel Management in carrying out its observation responsibilities of the Voting Rights Act;".

MOTION OFFERED BY MR. ROYBAL

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

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate No. 72, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 80: Page 38, after line 2, insert:

SEC. 513. Of the total amount of budget authority provided for fiscal year 1985 by this or any other Act that would otherwise be available for consulting services, management and professional services, and special studies and analyses, 10 per centum of the amount intended for such purposes in the President's budget for 1984, as amended, for any agency, department, or entity subject to apportionment by the Executive shall be placed in reserve and not made available for obligation or expenditure: *Provided,* That this section shall not apply to any agency, department, or entity whose budget request for 1985 for the purposes stated above did not amount to $5,000,000.

MOTION OFFERED BY MR. ROYBAL

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

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate No. 80 and concur therein with an amendment, as follows: In lieu of the section number named in said amendment insert "515".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 81: Page 38, after line 2, insert:

SEC. 514. No part of any appropriation contained in this Act shall be available for the procurement of, or for the payment of, the salary of any person engaged in the procurement of stainless steel flatware not produced in the United States or its possessions, except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of stainless steel flatware produced in the United States or its possessions, cannot be procured as and when needed from sources in the United States or its possessions, or except in accordance with procedures provided by section 6-104.4(b) of Armed Services Procurement Regulations, dated January 1, 1969. This section shall be applicable to all solicitations for bids issued after its enactment.

MOTION OFFERED BY MR. ROYBAL

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

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate No. 81 and concur therein with an amendment, as follows: In lieu of the section number named in said amendment, insert "516".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 92: Page 49, after line 22, insert:

TITLE VII

SEC. 701. This title may be cited as the "Comprehensive Forfeiture Act of 1984".

SUBTITLE A

SEC. 711. Section 1963 of title 18 of the United States Code is amended to read as follows:

"§ 1963. Criminal penalties

"(a) Whoever violates any provision of section 1962 of this chapter shall be fined not more than $25,000 or imprisoned not more than twenty years, or both, and shall forfeit to the United States, irrespective of any provision of State law—

"(1) any interest the person has acquired or maintained in violation of section 1962;

"(2) any—

"(A) interest in;

"(B) security of;

"(C) claim against; or

"(D) property or contractual right of any kind affording a source of influence over;

any enterprise which the person has established, operated, controlled, conducted, or participated in the conduct of, in violation of section 1962; and

"(3) any property constituting, or derived from, any proceeds which the person obtained, directly or indirectly, from racketeering activity or unlawful debt collection in violation of section 1962.

The court, in imposing sentence on such person shall order, in addition to any other sentence imposed pursuant to this section, that the person forfeit to the United States all property described in this subsection.

"(b) Property subject to criminal forfeiture under this section includes—

"(1) real property, including things growing on, affixed to, and found in land; and

"(2) tangible and intangible personal property, including rights, privileges, interests, claims, and securities.

"(c) All right, title, and interest in property described in subsection (a) vests in the United States upon the commission of the act giving rise to forfeiture under this section. Any such property that is subsequently transferred to a person other than the defendant may be the subject of a special verdict of forfeiture and thereafter shall be ordered forfeited to the United States, unless the transferee establishes in a hearing pursuant to subsection (m) that he is a bona fide purchaser for value of such property who at the time of purchase was reasonably without cause to believe that the property was subject to forfeiture under this section.

"(d) If any of the property described in subsection (a)—

"(1) cannot be located;

"(2) has been transferred to, sold to, or deposited with, a third party;

"(3) has been placed beyond the jurisdiction of the court;

"(4) has been substantially diminished in value by any act or omission of the defendant; or

"(5) has been commingled with other property which cannot be divided without difficulty;

the court shall order the forfeiture of any other property of the defendant up to the value of any property described in paragraphs (1) through (5).

"(e)(1) Upon application of the United States, the court may enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property described in subsection (a) for forfeiture under this section—

"(A) upon the filing of an indictment or information charging a violation of section 1962 of this chapter and alleging that the

property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section; or

"(B) prior to the filing of such an indictment or information, if, after notice to persons appearing to have an interest in the property and opportunity for a hearing, the court determines that—

"(i) there is a substantial probability that the United States will prevail on the issue of forfeiture and that failure to enter the order will result in the property being destroyed, removed from the jurisdiction of the court, or otherwise made unavailable for forfeiture; and

"(ii) the need to preserve the availability of the property through the entry of the requested order outweighs the hardship on any party against whom the order is to be entered:

Provided, however, That an order entered pursuant to subparagraph (B) shall be effective for not more than ninety days, unless extended by the court for good cause shown or unless an indictment or information described in subparagraph (A) has been filed.

"(2) A temporary restraining order under this subsection may be entered upon application of the United States without notice or opportunity for a hearing when an information or indictment has not yet been filed with respect to the property, if the United States demonstrates that there is probable cause to believe that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section and that provision of notice will jeopardize the availability of the property for forfeiture. Such a temporary order shall expire not more than ten days after the date on which it is entered, unless extended for good cause shown or unless the party against whom it is entered consents to an extension for a longer period. A hearing requested concerning an order entered under this paragraph shall be held at the earliest possible time, and prior to the expiration of the temporary order.

"(3) The court may receive and consider, at a hearing held pursuant to this subsection, evidence and information that would be inadmissible under the Federal Rules of Evidence.

"(f) Upon conviction of a person under this section, the court shall enter a judgment of forfeiture of the property to the United States and shall also authorize the Attorney General to seize all property ordered forfeited upon such terms and conditions as the court shall deem proper. Following the entry of an order declaring the property forfeited, the court may, upon application of the United States, enter such appropriate restraining orders or injunctions, require the execution of satisfactory performance bonds, appoint receivers, conservators, appraisers, accountants, or trustees, or take any other action to protect the interest of the United States in the property ordered forfeited. Any income accruing to, or derived from, an enterprise or an interest in an enterprise which has been ordered forfeited under this section may be used to offset ordinary and necessary expenses to the enterprise which are required by law, or which are necessary to protect the interests of the United States or third parties.

"(g) Following the seizure of property ordered forfeited under this section, the Attorney General shall direct the disposition of the property by sale or any other commercially feasible means, making due provision for the rights of any innocent persons. Any property right or interest not exercisable by, or transferable for value to, the United States shall expire and shall not revert to the defendant, nor shall the defendant or any person acting in concert with or on behalf of the defendant be eligible to purchase forfeited property at any sale held by the United States. Upon application of a person, other than the defendant or a person acting in concert with or on behalf of the defendant, the court may restrain or stay the sale or disposition of the property pending the conclusion of any appeal of the criminal case giving rise to the forfeiture, if the applicant demonstrates that proceeding with the sale or disposition of the property will result in irreparable injury, harm or loss to him. Notwithstanding 31 U.S.C. 3302(b), the proceeds of any sale or other disposition of property forfeited under this section and any moneys forfeited shall be used to pay all proper expenses for the forfeiture and the sale, including expenses of seizure, maintenance and custody of the property pending its disposition, advertising and court costs. The Attorney General shall deposit in the Treasury any amounts of such proceeds or moneys remaining after the payment of such expenses.

"(h) With respect to property ordered forfeited under this section, the Attorney General is authorized to—

"(1) grant petitions for mitigation or remission of forfeiture, restore forfeited property to victims of a violation of this chapter, or take any other action to protect the rights of innocent persons which is in the interest of justice and which is not inconsistent with the provisions of this chapter;

"(2) compromise claims arising under this section;

"(3) award compensation to persons providing information resulting in a forfeiture under this section;

"(4) direct the disposition by the United States of all property ordered forfeited under this section by public sale or any other commercially feasible means, making due provision for the rights of innocent persons; and

"(5) take appropriate measures necessary to safeguard and maintain property ordered forfeited under this section pending its disposition.

"(i) The Attorney General may promulgate regulations with respect to—

"(1) making reasonable efforts to provide notice to persons who may have an interest in property ordered forfeited under this section;

"(2) granting petitions for remission or mitigation of forfeiture;

"(3) the restitution of property to victims of an offense petitioning for remission or mitigation of forfeiture under this chapter;

"(4) the disposition by the United States of forfeited property by public sale or other commercially feasible means;

"(5) the maintenance and safekeeping of any property forfeited under this section pending its disposition; and

"(6) the compromise of claims arising under this chapter.

Pending the promulgation of such regulations, all provisions of law relating to the disposition of property, or the proceeds from the sale thereof, or the remission or mitigation of forfeitures for violation of the customs laws, and the compromise of claims and the award of compensation to informers in respect of such forfeitures shall apply to forfeitures incurred, or alleged to have been incurred, under the provisions of this section, insofar as applicable and not inconsistent with the provisions hereof. Such duties as are imposed upon the Customs Service or any person with respect to the disposition of property under the customs law shall be performed under this chapter by the Attorney General.

"(j) Except as provided in subsection (m), no party claiming an interest in property subject to forfeiture under this section may—

"(1) intervene in a trial or appeal of a criminal case involving the forfeiture of such property under this section; or

"(2) commence an action at law or equity against the United States concerning the validity of his alleged interest in the property subsequent to the filing of an indictment or information alleging that the property is subject to forfeiture under this section.

"(k) The district courts of the United States shall have jurisdiction to enter orders as provided in this section without regard to the location of any property which may be subject to forfeiture under this section or which has been ordered forfeited under this section.

"(l) In order to facilitate the identification or location of property declared forfeited and to facilitate the disposition of petitions for remission or mitigation of forfeiture, after the entry of an order declaring property forfeited to the United States the court may, upon application of the United States, order that the testimony of any witness relating to the property forfeited be taken by deposition and that any designated book, paper, document, record, recording, or other material not privileged be produced at the same time and place, in the same manner as provided for the taking of depositions under Rule 15 of the Federal Rules of Criminal Procedure.

"(m)(1) Following the entry of an order of forfeiture under this section, the United States shall publish notice of the order and of its intent to dispose of the property for at least seven successive court days in such manner as the Attorney General may direct. The Government may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the order of forfeiture as a substitute for published notice as to those persons so notified.

"(2) Any person, other than the defendant, asserting a legal interest in property which has been ordered forfeited to the United States pursuant to this section may, within thirty days of the final publication of notice or his receipt of notice under paragraph (1), whichever is earlier, petition the court for a hearing to adjudicate the validity of his alleged interest in the property. The hearing shall be held before the court alone, without a jury.

"(3) The petition shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the property, the time and circumstances of the petitioner's acquisition of the right, title, or interest in the property, any additional facts supporting the petitioner's claim, and the relief sought.

"(4) The hearing on the petition shall, to the extent practicable and consistent with the interests of justice, be held within thirty days of the filing of the petition. The court may consolidate the hearing on the petition with a hearing on any other petition filed by a person other than the defendant under this subsection.

"(5) At the hearing, the petitioner may testify and present evidence and witnesses on his own behalf, and cross-examine witnesses who appear at the hearing. The United States may present evidence and witnesses

in rebuttal and in defense of its claim to the property and cross-examine witnesses who appear at the hearing. In addition to testimony and evidence presented at the hearing, the court shall consider the relevant portions of the record of the criminal case which resulted in the order of forfeiture.

"(6) If, after the hearing, the court determines that the petitioner has established by a preponderance of the evidence that—

"(A) the petitioner has a legal right, title, or interest in the property, and such right, title, or interest renders the order of forfeiture invalid in whole or in part because the right, title, or interest was vested in the petitioner rather than the defendant or was superior to any right, title, or interest of the defendant at the time of the commission of the acts which gave rise to the forfeiture of the property under this section; or

"(B) the petitioner is a bona fide purchaser for value of the right, title, or interest in the property and was at the time of purchase reasonably without cause to believe that the property was subject to forfeiture under this section;

the court shall amend the order of forfeiture in accordance with its determination.

"(7) Following the court's disposition of all petitions filed under this subsection, or if no such petitions are filed following the expiration of the period provided in paragraph (2) for the filing of such petitions, the United States shall have clear title to property that is the subject of the order of forfeiture and may warrant good title to any subsequent purchaser or transferee.".

SUBTITLE B

SEC. 721. Part D of title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 841 et seq.) is amended by adding at the end thereof the following new sections 413 and 414:

"CRIMINAL FORFEITURES

"PROPERTY SUBJECT TO CRIMINAL FORFEITURE

"SEC. 413. (a) Any person convicted of a violation of this title or title III punishable by imprisonment for more than one year shall forfeit to the United States, irrespective of any provision of State law—

"(1) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation;

"(2) any of the person's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation; and

"(3) in the case of a person convicted of engaging in a continuing criminal enterprise in violation of section 408 of this title (21 U.S.C. 848), the person shall forfeit, in addition to any property described in paragraph (1) or (2), any of his interest in, claims against, and property or contractual rights affording a source of control over, the continuing criminal enterprise.

The court, in imposing sentence on such person, shall order, in addition to any other sentence imposed pursuant to this title or title III, that the person forfeit to the United States all property described in this subsection.

"MEANING OF TERM 'PROPERTY'

"(b) Property subject to criminal forfeiture under this section includes—

"(1) real property, including things growing on, affixed to, and found in land; and

"(2) tangible and intangible personal property, including rights, privileges, interests, claims, and securities.

"THIRD PARTY TRANSFERS

"(c) All right, title, and interest in property described in subsection (a) vests in the United States upon the commission of the act giving rise to forfeiture under this section. Any such property that is subsequently transferred to a person other than the defendant may be the subject of a special verdict of forfeiture and thereafter shall be ordered forfeited to the United States, unless the transferee establishes in a hearing pursuant to subsection (o) that he is a bona fide purchaser for value of such property who at the time of purchase was reasonably without cause to believe that the property was subject to forfeiture under this section.

"(d) If any of the property described in subsection (a)—

"(1) cannot be located;

"(2) has been transferred to, sold to, or deposited with a third party;

"(3) has been placed beyond the jurisdiction of the court;

"(4) has been substantially diminished in value by any act or omission of the defendant; or

"(5) has been commingled with other property which cannot be divided without difficulty;

the court shall order the forfeiture of any other property of the defendant up to the value of any property described in paragraphs (1) through (5).

"REBUTTABLE PRESUMPTION

"(e) There is a rebuttable presumption at trial that any property of a person convicted of a felony under this title or title III is subject to forfeiture under this section if the United States establishes by a preponderance of the evidence that—

"(1) such property was acquired by such person during the period of the violation of this title or title III or within a reasonable time after such period; and

"(2) there was no likely source for such property other than the violation of this title or title III.

"PROTECTIVE ORDERS

"(f)(1) Upon application of the United States, the court may enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property described in subsection (a) for forfeiture under this section—

"(A) upon the filing of an indictment or information charging a violation of this title or title III for which criminal forfeiture may be ordered under this section and alleging that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section; or

"(B) prior to the filing of such an indictment or information, if, after notice to persons appearing to have an interest in the property and opportunity for a hearing, the court determines that—

"(i) there is a substantial probability that the United States will prevail on the issue of forfeiture and that failure to enter the order will result in the property being destroyed, removed from the jurisdiction of the court, or otherwise made unavailable for forfeiture; and

"(ii) the need to preserve the availability of the property through the entry of the requested order outweighs the hardship on any party against whom the order is to be entered:

Provided, however, That an order entered pursuant to subparagraph (B) shall be effective for not more than ninety days, unless extended by the court for good cause shown or unless an indictment or information described in subparagraph (A) has been filed.

"(2) A temporary restraining order under this subsection may be entered upon application of the United States without notice or opportunity for a hearing when information or an indictment has not yet been filed with respect to the property, if the United States demonstrates that there is probable cause to believe that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section and that provision of notice will jeopardize the availability of the property for forfeiture. Such a temporary order shall expire not more than ten days after the date on which it is entered, unless extended for good cause shown or unless the party against whom it is entered consents to an extension for a longer period. A hearing requested concerning an order entered under this paragraph shall be held at the earliest possible time and prior to the expiration of the temporary order.

"(3) The court may receive and consider, at a hearing held pursuant to this subsection, evidence and information that would be inadmissible under the Federal Rules of Evidence.

"WARRANT OF SEIZURE

"(g) The Government may request the issuance of a warrant authorizing the seizure of property subject to forfeiture under this section in the same manner as provided for a search warrant. If the court determines that there is probable cause to believe that the property to be seized would, in the event of conviction, be subject to forfeiture and that an order under subsection (f) may not be sufficient to assure the availability of the property for forfeiture, the court shall issue a warrant authorizing the seizure of such property.

"EXECUTION

"(h) Upon entry of an order of forfeiture under this section, the court shall authorize the Attorney General to seize all property ordered forfeited upon such terms and conditions as the court shall deem proper. Following entry of an order declaring the property forfeited, the court may, upon application of the United States, enter such appropriate restraining orders or injunctions, require the execution of satisfactory performance bonds, appoint receivers, conservators, appraisers, accountants, or trustees, or take any other action to protect the interest of the United States in the property ordered forfeited. Any income accruing to or derived from property ordered forfeited under this section may be used to offset ordinary and necessary expenses to the property which are required by law, or which are necessary to protect the interests of the United States or third parties.

"DISPOSITION OF PROPERTY

"(i) Following the seizure of property ordered forfeited under this section, the Attorney General shall direct the disposition of the property by sale or any other commercially feasible means, making due provision for the rights of any innocent persons. Any property right or interest not exercisable by, or transferable for value to, the United States shall expire and shall not revert to the defendant, nor shall the defendant or any person acting in concert with him or on his behalf be eligible to purchase forfeited property at any sale held by the United States. Upon application of a person, other than the defendant or a person acting in concert with

him or on his behalf, the court may restrain or stay the sale or disposition of the property pending the conclusion of any appeal of the criminal case giving rise to the forfeiture, if the applicant demonstrates that proceeding with the sale or disposition of the property will result in irreparable injury, harm, or loss to him.

"AUTHORITY OF THE ATTORNEY GENERAL

"(j) With respect to property ordered forfeited under this section, the Attorney General is authorized to—

"(1) grant petitions for mitigation or remission of forfeiture, restore forfeited property to victims of a violation of this chapter, or take any other action to protect the rights of innocent persons which is in the interest of justice and which is not inconsistent with the provisions of this section;

"(2) compromise claims arising under this section;

"(3) award compensation to persons providing information resulting in a forfeiture under this section;

"(4) direct the disposition by the United States, in accordance with the provisions of section 511(e) of this title (21 U.S.C. 881(e)), of all property ordered forfeited under this section by public sale or any other commercially feasible means, making due provision for the rights of innocent persons; and

"(5) take appropriate measures necessary to safeguard and maintain property ordered forfeited under this section pending its disposition.

"APPLICABILITY OF CIVIL FORFEITURE PROVISIONS

"(k) Except to the extent that they are inconsistent with the provisions of this section, the provisions of section 511(d) of this title (21 U.S.C. 881(d)) shall apply to a criminal forfeiture under this section.

"BAR ON INTERVENTION

"(l) Except as provided in subsection (o), no party claiming an interest in property subject to forfeiture under this section may—

"(1) intervene in a trial or appeal of a criminal case involving the forfeiture of such property under this section; or

"(2) commence an action at law or equity against the United States concerning the validity of his alleged interest in the property subsequent to the filing of an indictment or information alleging that the property is subject to forfeiture under this section.

"JURISDICTION TO ENTER ORDERS

"(m) The district courts of the United States shall have jurisdiction to enter orders as provided in this section without regard to the location of any property which may be subject to forfeiture under this section or which has been ordered forfeited under this section.

"DEPOSITIONS

"(n) In order to facilitate the identification and location of property declared forfeited and to facilitate the disposition of petitions for remission or mitigation of forfeiture, after the entry of an order declaring property forfeited to the United States, the court may, upon application of the United States, order that the testimony of any witness relating to the property forfeited be taken by deposition and that any designated book, paper, document, record, recording, or other material not privileged be produced at the same time and place, in the same manner as provided for the taking of depositions under Rule 15 of the Federal Rules of Criminal Procedure.

"THIRD PARTY INTERESTS

"(o)(1) Following the entry of an order of forfeiture under this section, the United States shall publish notice of the order and of its intent to dispose of the property for at least seven successive court days in such manner as the Attorney General may direct. The Government may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the order of forfeiture as a substitute for published notice as to those persons so notified.

"(2) Any person, other than the defendant, asserting a legal interest in property which has been ordered forfeited to the United States pursuant to this section may, within thirty days of the final publication of notice or his receipt of notice under paragraph (1), whichever is earlier, petition the court for a hearing to adjudicate the validity of his alleged interest in the property. The hearing shall be held before the court alone, without a jury.

"(3) The petition shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the property, the time and circumstances of the petitioner's acquisition of the right, title, or interest in the property, any additional facts supporting the petitioner's claim, and the relief sought.

"(4) The hearing on the petition shall, to the extent practicable and consistent with the interests of justice, be held within thirty days of the filing of the petition. The court may consolidate the hearing on the petition with a hearing on any other petition filed by a person other than the defendant under this subsection.

"(5) At the hearing, the petitioner may testify and present evidence and witnesses on his own behalf, and cross-examine witnesses who appear at the hearing. The United States may present evidence and witnesses in rebuttal and in defense of its claim to the property and cross-examine witnesses who appear at the hearing. In addition to testimony and evidence presented at the hearing, the court shall consider the relevant portions of the record of the criminal case which resulted in the order of forfeiture.

"(6) If, after the hearing, the court determines that the petitioner has established by a preponderance of the evidence that—

"(A) the petitioner has a legal right, title, or interest in the property, and such right, title, or interest renders the order of forfeiture invalid in whole or in part because the right, title, or interest was vested in the petitioner rather than the defendant or was superior to any right, title, or interest of the defendant at the time of the commission of the acts which gave rise to the forfeiture of the property under this section; or

"(B) the petitioner is a bona fide purchaser for value of the right, title, or interest in the property and was at the time of purchase reasonably without cause to believe that the property was subject to forfeiture under this section;

the court shall amend the order of forfeiture in accordance with its determination.

"(7) Following the court's disposition of all petitions filed under this subsection, or if no such petitions are filed following the expiration of the period provided in paragraph (2) for the filing of such petitions, the United States shall have clear title to property that is the subject of the order of forfeiture and may warrant good title to any subsequent purchaser or transferee.

"(p) The provisions of this section shall be liberally construed to effectuate its remedial purposes.

"INVESTMENT OF ILLICIT DRUG PROFITS

"SEC. 414. (a) It shall be unlawful for any person who has received any income derived, directly or indirectly, from a violation of this title or title III punishable by imprisonment for more than one year in which such person has participated as a principal within the meaning of section 2 of title 18, United States Code, to use or invest, directly or indirectly, any part of such income, or the proceeds of such income, in acquisition of any interest in, or the establishment or operation of, any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce. A purchase of securities on the open market for purposes of investment, and without the intention of controlling or participating in the control of the issuer, or of assisting another to do so, shall not be unlawful under this section if the securities of the issuer held by the purchaser, the members of his immediate family, and his or their accomplices in any violation of this title or title III after such purchase do not amount in the aggregate to 1 per centum of the outstanding securities of any one class, and do not confer, either in law or in fact, the power to elect one or more directors of the issuer.

"(b) Whoever violates this section shall be fined not more than $50,000 or imprisoned not more than ten years, or both.

"(c) As used in this section, the term 'enterprise' includes any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.

"(d) The provisions of this section shall be liberally construed to effectuate its remedial purposes.".

SEC. 722. Section 304 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 824) is amended by adding at the end of subsection (f) the following sentence: "All right, title, and interest in such controlled substances shall vest in the United States upon a revocation order becoming final.".

SEC. 723. Section 408 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 848) is amended—

(a) in subsection (a)—

(1) by striking out "(1)";

(2) by striking out "paragraph (2)" each time it appears, and inserting in lieu thereof "section 413 of this title"; and

(3) by striking out paragraph (2); and

(b) by striking out subsection (d).

SEC. 724. Section 511 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881) is amended—

(a) in subsection (a) by inserting at the end thereof the following new subsection:

"(7) All real property, including any right, title, and interest in the whole of any lot or tract of land and any appurtenances or improvements, which is used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, a violation of this title punishable by more than one year's imprisonment, except that no property shall be forfeited under this paragraph, to the extent of an interest of an owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of that owner.";

(b) in subsection (b)—

(1) by inserting "civil or criminal" after "Any property subject to"; and

(2) by striking out in paragraph (4) "has been used or is intended to be used in violation of" and inserting in lieu thereof "is subject to civil or criminal forfeiture under";

(c) in subsection (c)—

(1) by inserting in the second sentence "any of" after "Whenever property is seized under"; and

(2) by inserting in paragraph (3) ", if practicable," after "remove it";

(d) in subsection (d), by inserting "any of" after "alleged to have been incurred, under";

(e) in subsection (e)—

(1) by inserting "civilly or criminally" in the first sentence after "Whenever property is"; and

(2) by striking out in paragraph (3) "and remove it for disposition" and inserting in lieu thereof "and dispose of it"; and

(f) by inserting at the end thereof the following new subsections:

"(h) All right, title, and interest in property described in subsection (a) shall vest in the United States upon commission of the act giving rise to forfeiture under this section.

"(i) The filing of an indictment or information alleging a violation of this title or title III which is also related to a civil forfeiture proceeding under this section shall, upon motion of the United States and for good cause shown, stay the civil forfeiture proceeding.

"(j) In addition to the venue provided for in section 1395 of title 28, United States Code, or any other provision of law, in the case of property of a defendant charged with a violation that is the basis for forfeiture of the property under this section, a proceeding for forfeiture under this section may be brought in the judicial district in which the defendant owning such property is found or in the judicial district in which the criminal prosecution is brought.".

SEC. 725. Part A of title III of the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by adding at the end thereof the following new section:

"CRIMINAL FORFEITURES

"SEC. 1017. Section 413 of title II, relating to criminal forfeitures, shall apply in every respect to a violation of this title punishable by imprisonment for more than one year.".

SEC. 726. The table of contents of the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended—

(a) by adding immediately after

"Sec. 412. Applicability of treaties and other international agreements."

the following new items:

"Sec. 413. Criminal forfeitures.

"Sec. 414. Investment of illicit drug profits.".

and

(b) by adding immediately after

"Sec. 1016. Authority of Secretary of the Treasury."

the following new item:

"Sec. 1017. Criminal forfeitures.".

SUBTITLE C

SEC. 731. (a) Section 511(e)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881(e)(1)) is amended by adding after "retain the property for official use" the following: "or transfer the custody or ownership of any forfeited property to any Federal, State, or local agency pursuant to section 616 of the Tariff Act of 1930 (19 U.S.C. 1616)".

(b) Section 511(e) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881(e)) is amended by inserting before "The proceeds from any sale under paragraph (2)" the following: "The Attorney General shall ensure the equitable transfer pursuant to paragraph (1) of any forfeited property to the appropriate State or local law enforcement agency so as to reflect generally the contribution of any such agency participating directly in any of the acts which led to the seizure of forfeiture of such property. A decision by the Attorney General pursuant to paragraph (1) shall not be subject to review.".

(c) Section 511(e) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881(e)) is further amended by striking out "the general fund of the United States Treasury" in the sentence beginning "The Attorney General shall" and inserting in lieu thereof "accordance with section 524(c) of title 28, United States Code".

SEC. 732. Section 524 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(c)(1) There is established in the United States Treasury a special fund to be known as the Department of Justice Assets Forfeiture Fund (hereinafter in this subsection referred to as the 'fund') which shall be available to the Attorney General without fiscal year limitation in such amounts as may be specified in Appropriations Acts for the following purposes of the Department of Justice:

"(A) the payment, at the discretion of the Attorney General, of any expenses necessary to seize, detain, inventory, safeguard, maintain, advertise, or sell property under seizure, detention, or forfeited pursuant to any law enforced or administered by the Department of Justice, or of any other necessary expenses incident to the seizure, detention, or forfeiture of such property; such payments may include payments for contract services and payments to reimburse any Federal, State, or local agency for any expenditures made to perform the foregoing functions;

"(B) the payment of awards for information or assistance leading to a civil or criminal forfeiture under the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 800 et seq.) or a criminal forfeiture under the Racketeer Influenced and Corrupt Organizations statute (18 U.S.C. 1961 et seq.), at the discretion of the Attorney General;

"(C) the compromise and payment of valid liens and mortgages against property that has been forfeited pursuant to any law enforced or administered by the Department of Justice, subject to the discretion of the Attorney General to determine the validity of any such lien or mortgage and the amount of payment to be made; and

"(D) disbursements authorized in connection with remission or mitigation procedures relating to property forfeited under any law enforced or administered by the Department of Justice.

"(2) Any award paid from the fund for information concerning a forfeiture, as provided in paragraph (1)(B), shall be paid at the discretion of the Attorney General or his delegate, except that the authority to pay an award of $10,000 or more shall not be delegated to any person other than the Deputy Attorney General, the Associate Attorney General, the Director of the Federal Bureau of Investigation, or the Administrator of the Drug Enforcement Administration. Any award for such information shall not exceed the lesser of $150,000 or one-fourth of the amount realized by the United States from the property forfeited.

"(3) There shall be deposited in the fund all amounts from the forfeiture of property under any law enforced or administered by the Department of Justice remaining after the payment of expenses for forfeiture and sale authorized by law.

"(4) Amounts in the fund which are not currently needed for the purpose of this section shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.

"(5) The Attorney General shall transmit to the Congress, not later than four months after the end of each fiscal year a detailed report on the amounts deposited in the fund and a description of expenditures made under this subsection.

"(6) The provisions of this subsection relating to deposits in the fund shall apply to all property in the custody of the Department of Justice on or after the effective date of the Comprehensive Forfeiture Act of 1983.

"(7) For fiscal years 1984, 1985, 1986, and 1987, there are authorized to be appropriated such sums as may be necessary for the purposes described in paragraph (1). At the end of each fiscal year, any amount in the fund in excess of the amount appropriated shall be deposited in the General Fund of the Treasury of the United States, except that an amount not to exceed $5,000,000 may be carried forward and available for appropriation in the next fiscal year.

"(8) For the purposes of this subsection, property is forfeited pursuant to a law enforced or administered by the Department of Justice if it is forfeited pursuant to—

"(A) any criminal forfeiture proceeding;

"(B) any civil judicial forfeiture proceeding; or

"(C) any civil administrative forfeiture proceeding conducted by the Department of Justice;

except to the extent that the seizure was effected by a Customs officer or that custody was maintained by the Customs Service in which case the provisions of section 613a of the Tariff Act of 1930 (19 U.S.C. 1613a) shall apply.".

SUBTITLE D

SEC. 741. Section 607 of the Tariff Act of 1930 (19 U.S.C. 1607) is amended to read as follows:

"§ 607. Seizure; value $100,000 or less, prohibited articles, transporting conveyances

"(a) If—

"(1) the value of such seized vessel, vehicle, aircraft, merchandise, or baggage does not exceed $100,000;

"(2) such seized merchandise consists of articles the importation of which is prohibited; or

"(3) such seized vessel, vehicle, or aircraft was used to import, export, or otherwise transport or store any controlled substances;

the appropriate customs officer shall cause a notice of the seizure of such articles and the intention to forfeit and sell or otherwise dispose of the same according to law to be published for at least three successive weeks in such manner as the Secretary of the Treasury may direct. Written notice of seizure together with information on the applicable procedures shall be sent to each party who appears to have an interest in the seized article.

"(b) As used in this section, the term 'controlled substance' has the meaning given that term in section 102 of the Controlled Substances Act (21 U.S.C. 802).".

SEC. 742. Section 608 of the Tariff Act of 1930 (19 U.S.C. 1608) is amended in the second sentence by inserting after "penal sum of" the following: "$5,000 or 10 per centum of the value of the claimed property, whichever is lower, but not less than,".

SEC. 743. Section 609 of the Tariff Act of 1930 (19 U.S.C. 1609) is amended by striking out "after deducting the actual expenses of seizure, publication, and sale in the Treasury of the United States." and inserting in lieu thereof "after deducting expenses enumerated in section 613 of this Act into the Customs Forfeiture Fund.".

SEC. 744. Section 610 of the Tariff Act of 1930 (19 U.S.C. 1610) is amended by striking out "If the value of any vessel, vehicle, merchandise, or baggage so seized is greater than $10,000," and substituting in lieu thereof the following: "If any vessel, vehicle, aircraft, merchandise, or baggage is not subject to the procedure set forth in section 607,".

SEC. 745. Section 612 of the Tariff Act of 1930 (19 U.S.C. 1612) is amended by—

(1) inserting "aircraft," immediately after "vehicle," wherever it appears in the section;

(2) striking out "and the value of such vessel, vehicle, merchandise, or baggage as determined under section 606 does not exceed $10,000," in the first sentence and inserting in lieu thereof the following: "and the article is subject to the provisions of section 607 of this Act,"; and

(3) striking out "If such value of such vessel, vehicle, merchandise, or baggage exceeds $10,000," in the second sentence and inserting in lieu thereof the following: "If the article is not subject to the provisions of section 607 of this Act,".

SEC. 746. Section 613(a)(3) of the Tariff Act of 1930 (19 U.S.C. 1613(a)(3)) is amended to read as follows:

"(3) The residue shall be deposited in the Customs Forfeiture Fund.".

SEC. 747. The Tariff Act of 1930 is amended by adding a new section immediately after section 613 (19 U.S.C. 1613) to read as follows:

"§ 613a. Customs Forfeiture Fund

"(a) There is hereby established in the Treasury of the United States a special fund for the United States Customs Service that shall be entitled the 'Customs Forfeiture Fund' (hereinafter referred to in this section as the 'fund'). This fund shall be available without fiscal year limitation in such amounts as may be specified in appropriations Acts for the following purposes of the United States Customs Service—

"(1) the payment of all proper expenses of the seizure or detention or the proceedings of forfeiture and sale (not otherwise recovered under section 613(a)) including but not limited to, expenses of inventory, security, maintaining the custody of the property, advertising and sale, and if condemned by the court and a bond for such costs was not given, the costs as taxed by the court; and

"(2) the payment of awards of compensation to informers under section 619 of the Tariff Act of 1930, as amended.

"(b) There shall be deposited in the fund all proceeds from the sale or other disposition of property forfeited under, and any currency or monetary instruments seized and forfeited under, the laws enforced or administered by the United States Customs Service.

"(c) Amounts in the fund which are not currently needed for the purposes of this section shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.

"(d) The Commissioner of the Customs shall transmit to the Congress, not later than four months after the end of each fiscal year a detailed report on the amounts deposited in the fund and a description of expenditures made under this section.

"(e) The provisions of this section relating to deposits in the fund shall apply to all property in the custody of the United States Customs Service on or after the effective date of the Comprehensive Forfeiture Act of 1983.

"(f) For the purposes described in subsection (a), there are authorized to be appropriated from the fund for fiscal year 1984 not more than $10,000,000, for fiscal year 1985 not more than $15,000,000, for fiscal year 1986 not more than $20,000,000, and for fiscal year 1987 not more than $20,000,000. Amounts in the fund in excess of the amounts appropriated at the end of each fiscal year shall be deposited in the General Fund of the Treasury of the United States. At the end of the last fiscal year for which appropriations from the fund are authorized by this Act, the fund shall cease to exist and any amount then remaining in the fund shall be deposited in the General Fund of the Treasury of the United States.".

SEC. 748. A new section 616 is added to the Tariff Act of 1930 (19 U.S.C. 1616) to read as follows:

"§ 616. Disposition of forfeited property

"(a) Notwithstanding any other provision of the law, the Commissioner is authorized to retain forfeited property, or to transfer such property on such terms and conditions as he may determine to—

"(1) any other Federal agency; or

"(2) any State or local law enforcement agency which participated directly in any of the acts which led to the seizure or forfeiture of the property.

The Secretary of the Treasury shall ensure the equitable transfer pursuant to paragraph (2) of any forfeited property to the appropriate State or local law enforcement agency so as to reflect generally the contribution of any such agency participating directly in any of the acts which led to the seizure or forfeiture of such property. A decision by the Secretary pursuant to paragraph (2) shall not be subject to review. The United States shall not be liable in any action arising out of the use of any property the custody of which was transferred pursuant to this section to any non-Federal agency.

"(b) The Secretary of the Treasury may order the discontinuance of any forfeiture proceedings under this Act in favor of the institution of forfeiture proceedings by State or local authorities under an appropriate State or local statute. After the filing of a complaint for forfeiture under this Act, the Attorney General may seek dismissal of the complaint in favor of forfeiture proceedings under State or local law.

"(c) Whenever forfeiture proceedings are discontinued by the United States in favor of State or local proceedings, the United States may transfer custody and possession of the seized property to the appropriate State or local official immediately upon the initiation of the proper actions by such officials.

"(d) Whenever forfeiture proceedings are discontinued by the United States in favor of State or local proceedings, notice shall be sent to all known interested parties advising them of the discontinuance or dismissal. The United States shall not be liable in any action arising out of the seizure, detention, and transfer of seized property to State or local officials.".

SEC. 749. Section 619 of the Tariff Act of 1930 (19 U.S.C. 1619) is amended by—

(a) striking out "$50,000" each time it appears and inserting in lieu thereof "$150,000"; and

(b) adding at the end thereof "In no event shall the Secretary delegate the authority to pay an award under this section in excess of $10,000 to an official below the level of the Commissioner of Customs.".

SEC. 750. The Tariff Act of 1930 is amended by adding a new section 589, to read as follows:

"§ 589. Arrest authority of customs officers

"Subject to the direction of the Secretary of the Treasury, an officer of the Customs Service as defined in section 401(i) of this Act, as amended, may—

"(1) carry a firearm;

"(2) execute and serve any order, warrant, subpena, summons, or other process issued under the authority of the United States;

"(3) make an arrest without a warrant for any offense against the United States committed in the officer's presence or for a felony, cognizable under the laws of the United States committed outside the officer's presence if the officer has reasonable grounds to believe that the person to be arrested has committed or is committing a felony; and

"(4) perform any other law enforcement duty that the Secretary of the Treasury may designate.".

(b) Section 7607 of the Internal Revenue Act of 1954 (26 U.S.C. 7607) is repealed.

SEC. 751. Sections 602, 605, 606, 608, 609, 611, 613, 614, 615, 618, and 619 (19 U.S.C. 1602, 1605, 1606, 1608, 1609, 1611, 1613, 1614, 1615, 1618, and 1619) of the Tariff Act of 1930 are amended by inserting the word "aircraft," immediately after the words "vehicle" or "vehicles," wherever they appear.

SEC. 752. Section 644 of the Tariff Act of 1930 (19 U.S.C. 1644) is amended to read as follows:

"§ 644. Application of the Federal Aviation Act and section 1518(d) of title 33

"(a) The authority vested by section 1109 of the Federal Aviation Act of 1958 (49 U.S.C. 1509) in the Secretary of the Treasury, by regulation to provide for the application to civil air navigation of the laws and regulations relating to the administration of customs, and of the laws and regulations relating to the entry and clearance of vessels, shall extend to the application in like manner of any of the provisions of this Act, or of the Anti-Smuggling Act of 1935, or of any regulations promulgated hereunder.

"(b) For purposes of section 1518(d) of title 33, the term 'customs laws administered by the Secretary of the Treasury' shall mean this chapter and any other provisions of law classified to this title.".

SEC. 753. The Tariff Act of 1930 is amended by adding a new section 600 to read as follows:

"§ 600. Application of the customs laws to other seizures by customs officers

"The procedures set forth in sections 602 through 619 of this Act (19 U.S.C. 1602 through 1619) shall apply to seizures of any property effected by customs officers under any law enforced or administered by the Customs Service unless such law specifies different procedures.".

MOTION OFFERED BY MR. ROYBAL

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

The clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 92, and concur therein.

POINT OF ORDER

Mr. ROSTENKOWSKI. Mr. Speaker, I have a point of order against the amendment.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ROSTENKOWSKI. Mr. Speaker, I make a point of order against Senate amendment numbered 92, reported by the conference committee on H.R. 5798 in technical disagreement, on the grounds that it violates paragraph (b), clause 5, rule 21 of the Rules of the House of Representatives.

Paragraph (b), clause 5 of rule 21 makes bills and resolutions containing tax and tariff measures which are reported by any committee not having jurisdiction to report tax or tariff measures, and amendments to such bills or resolutions in the House or proposed by the Senate, subject to a point of order at any time during House consideration of the legislation.

Mr. Speaker, the Senate provision includes extensive amendments to existing customs law under the Tariff Act of 1930 with respect to seizures and forfeitures of property by the U.S. Customs Service. The provision amends existing statutory enforcement authorities and other administrative duties and functions of Customs personnel. It also changes the methods for handling forfeitures, and establishes a Customs Forfeiture Fund in the U.S. Treasury to pay the expense associated with seizure and forfeiture proceedings. The amemdments will result in a significant increase in Customs revenues by increasing the proceeds realized from sales of forfeited property and by reducing storage and maintenance cost associated with such property.

Therefore, I urge the Chair to sustain this point of order against Senate amendment numbered 92.

I would also like to point out, Mr. Speaker, that the matter is superfluous since the House passed its version of this legislation, H.R. 4901 yesterday and it contains sustantial improvements over the Senate version.

Mr. ROYBAL. Mr. Speaker, I concede the point of order.

The SPEAKER pro tempore. The point of order against the motion is conceded and sustained.

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I move that the House insist on its disagreement of the amendment of the Senate No. 92.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the final amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 89: Page 49, after line 22, insert.

SEC. 619. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to renovate, remodel, furnish, or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless such renovation, remodeling, furnishing, or redecoration is expressly approved by the Committees on Appropriations of the House and Senate.

MOTION OFFERED BY MR. ROYBAL

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

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 89 and concur therein with an amenment, as follows:

In lieu of section number proposed by said amendment insert the following: "620".

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the conference report and the several motions was laid on the table.

GENERAL LEAVE

Mr. ROYBAL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed, and that I may include certain statistical materials.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 1437, CALIFORNIA WILDERNESS ACT OF 1983, AND SENATE AMENDMENT THERETO

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 573 and ask for its immediate consideration.

□ 1330

The Clerk read the resolution, as follows:

H. RES. 573

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House, without intervening motion, a motion to take from the Speaker's table the bill (H.R. 1437) entitled the "California Wilderness Act of 1983", with the Senate amendment thereto, and to agree to the Senate amendment, and the previous question shall be considered as ordered on said motion to final adoption without intervening motion.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, I yield the customary 30 minutes, for the purposes of debate only, to the gentleman from Mississippi, Mr. LOTT, and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 573 makes it in order to consider in the House the bill (H.R. 1437) the California Wilderness Act, along with the Senate amendment to that bill. The rule makes it in order to consider in the House, without intervening motion, a motion to take the bill from the Speaker's table, with the Senate amendment thereto and agree to the Senate amendment.

Under the general rules of the House, when the floor manager makes that motion, he will be granted 1 hour of debate time. The normal custom in such situations is for the floor manager to yield 30 minutes of such time to a Member in opposition. At the end of the 1 hour, the previous question is considered as ordered and the vote will occur on the motion to agree to the Senate amendment.

Mr. Speaker, H.R. 1437 was passed by the House on April 12, 1983 by a record vote of 297 to 96. This rule simply allows the manager of that bill to facilitate final House and Senate action on the California wilderness legislation by allowing a motion to agree to the Senate amendment. If that motion is agreed to, no further action is necessary and the legislation is cleared for the President.

At the request of the chairman of the Interior and Insular Affairs Committee, the Rules Committee granted this rule to expedite the final disposition of this legislation.

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

Mr. Speaker, the gentleman from South Carolina has described basically what is in House Resolution 573.

House Resolution 573 provides for the consideration of a motion, in the House, to pass the Senate amendment to the California wilderness bill.

The rule specifies that the motion shall be: To take the bill, H.R. 1437, from the Speaker's table, with the Senate amendment thereto, and to agree to the Senate amendment.

The rule further specifies that this motion shall be considered in the House, meaning that the motion itself is not amendable under the normal House rules.

Mr. Speaker, the Rules Committee reported this rule on August 10, the last day of our work session prior to the recent recess. At that time, consideration of the California wilderness bill was opposed by several Members from the California delegation, as well as some members of the Committee on Interior and Insular Affairs.

The House passed the original version of H.R. 1437 some 17 months ago, on April 12, 1983; only 2 days after the death of our former colleague, the late

Phillip Burton. Some may recall that passage of the House bill was more of a tribute to our late colleague than it was a sign of consensus within the California delegation.

The Senate amendment to the bill was adopted on August 9, and it designates as wilderness some 39 national forest areas totaling some 1.8 million acres. This is one of the largest and most controversial of the State wilderness bills.

Mr. Speaker, the administration was opposed to the House version of this bill, which was nearly double the administration's 1.2 million acre recommendation.

I want my colleagues to be aware that this is a closed process the Rules Committee is asking you to ratify in this resolution. The resolution from the Committee on Rules is not open to amendment, unless the gentleman from South Carolina yields for that purpose. And the motion made in order by this resolution will be considered in the House, meaning that it is not open to amendments unless the maker of the motion also decides to yield for that purpose.

I generally oppose the use of such a closed process, especially when it involves a highly controversial wilderness proposal.

I do have some requests for time, Mr. Speaker, and I would first yield 2 minutes to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. I thank the gentleman for yielding to me.

Mr. Speaker, I rise in strong support of this rule for consideration of the California Wilderness Act.

Similar legislation has been overwhelmingly passed by this Chamber three different times. In addition, the compromise before us has already been passed by the Senate and although this bill is not completely satisfactory to every Member of this body, which is usually the case with compromises, I believe that every effort has been made by the House and Senate leaders involved in the compromise to resolve the resources conflicts.

In addition, all of the issues in the bill have been thoroughly discussed and debated by Congress and the public in congressional hearings. The democratic process has worked its will. I therefore see no reason to belabor the numerous issues surrounding California wilderness designation and risk losing this delicate compromise that has been so long in coming.

Rather, we should accept and vote for this rule and expedite passage of this legislation without amendment and without further delay.

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

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

The House has already passed essentially the same bill in three successive Congresses. In the last go-around, which was last year, it was passed by a vote of 297 to 96. Furthermore, numerous amendments were offered during the course of the debate on the bill which was under an open rule.

Congressman SHUMWAY, Congressman CRAIG, Congressman WALKER, Congressman PASHAYAN offered one or more amendments. We had a record vote on most of them and the six major amendments were all fully debated in the House. Both sides had a complete opportunity to present all pertinent facts, figures, and supporting arguments.

There is not any question about the facts that this issue has been thoroughly and completely debated. Furthermore, the Senate amendments delete 500,000 acres from the bill as passed by the House, and many of the deletions accomplish some of the purposes of the amendments that were offered.

This bill has strong bipartisan support. It is supported by both Republican and Democratic Senators in the debate. It was worked out in consultation with all of the people concerned. To indicate now that somehow this rule prevents a full and fair debate obviously flies in the face of this record. I strongly support this bipartisan compromise settlement in the bill. It is also a bicameral settlement, because we worked closely with the Senators to put this issue to bed.

This bill releases 150 million board feet of timber that is tied up because of litigation and court judgments in California, so it also is a proindustry bill, not merely a proenvironmental bill. Furthermore, it releases several million acres of land that is tied up under court injunction until we get the issue resolved.

So, from all points of view, this issue deserves to be settled now, so that industry, local communities, and everyone else can make plans. This rule is a fair and expeditious way to handle it.

If we did not have the rule we would bring it up on a suspension, which would also mean no amendments. The only difference being that it would then require a two-thirds vote, but would have only 40 minutes of debate instead of 2 hours of debate under this procedure. And when you consider that an even bigger bill passed this House by a vote of approximately 3 to 1, you can see that a two-thirds vote is likely to be attainable.

So I maintain that this rule is reasonable, and I thank the gentleman from South Carolina for yielding me this time.

Mr. LOTT. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. PASHAYAN].

Mr. PASHAYAN. I thank the gentleman for yielding.

Mr. Speaker, it is regrettable that the House of Representatives poised to enact legislation that has developed and evolved over a 6-year period, is to be considered under a gag rule. I find this to be true not only for those of us who hold serious reservations regarding some of the boundary changes made by the other body but for those who have honestly supported and enthusiastically endorsed the precept of a California wilderness proposal far in excess of what either Presidents Jimmy Carter and Ronald Reagan have proposed, and more than the Governor of California, George Deukmejian, supports.

I should like to pose a question to the distinguished chairman of the Subcommittee on Public Lands and National Parks before further detailing some of my serious reservations regarding consideration of the Senate's amendments to H.R. 1437.

□ 1340

Is it the gentleman's opinion and intention that the House report on H.R. 1437, report No. 98-40, have equal footing in the legislative history of the California Wilderness Act of 1983?

Mr. SEIBERLING. Yes, of course; that report is pertinent, except to the extent that changes were made in the Senate which change the legislation that was dealt with in that report.

Mr. PASHAYAN. Mr. Speaker, I ask this question in all seriousness because many of the specific issues that are addressed throughout the report No. 98-40 are absent in the Senate report No. 98-582, yet it is H.R. 1437, as amended by the Senate and explained by report No. 98-582, that is under consideration at the present time.

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

Mr. PASHAYAN. I should be glad to yield to the gentleman from Ohio.

Mr. SEIBERLING. I thank the gentleman for yielding.

Mr. Speaker, it is my intention, in the formal statement that I submit for the RECORD, to outline all of the changes that were made by the Senate bill in the House bill, so that there will not be any mistake as to what the Congress intended as a result of this compromise legislation.

Mr. PASHAYAN. I am sorry. What did the gentleman say would do this?

Mr. SEIBERLING. Once the rule is adopted, in the general debate I intend to lay in the RECORD five pages of lists of changes that were made by the Senate amendments to the House-passed bill, so that the RECORD will be completely clear as to what changes were made.

Mr. PASHAYAN. We shall look forward to the gentleman's explication of what this thing is all about.

Mr. SEIBERLING. It is my intention not to read all of the detailed changes, but merely to put them in the RECORD. However, if the gentleman wants to look at my prepared statement, I will be glad to let him look it over, and if he thinks there ought to be some further changes made in it, I will welcome the opportunity to do that.

Mr. PASHAYAN. I appreciate that. That is why I am hoping to have a more open rule, so that we could perhaps propose some changes. If the gentleman would agree to that, that is just exactly what I am trying to say. I think that is excellent.

Mr. SEIBERLING. If the gentleman would yield further, actually this is a more open procedure than if we brought it up in the normal way when we are handling a bill that a consensus has been worked out on, which would be the Suspension Calendar, in which case we would only have 20 minutes on each side. This way we have an hour's debate under the rule, and another hour's debate, if the House wants to, once the rule is adopted, so we have 2 hours under this procedure versus 40 minutes under the normal procedure. This is a much more open procedure, actually.

Mr. PASHAYAN. It is not open to amendments, if I understand the rule.

Mr. SEIBERLING. We do not usually do that when we have already worked it out with the other body. It is brought in under the Suspension Calendar.

Mr. PASHAYAN. I think that is what I mean when I say an open rule. The gentleman is making the offer on the one hand that we might be able to make some changes, and I appreciate the gentleman saying that, but how do we go about making the changes?

Mr. SEIBERLING. These will be changes in my description of what the Senate bill does. I do not propose changes in the substance of the act.

Mr. PASHAYAN. I was of the mind that the gentleman's description and the substance of the act were one.

Mr. SEIBERLING. They would outline the changes made by the Senate.

Mr. PASHAYAN. I hope I do not hear the gentleman saying that his description is different from the substance of the act. I am sure I do not hear the gentleman saying that.

Mr. SEIBERLING. If the gentleman will yield further, the gentleman asked me if there would be an explanation of the changes made by the Senate bill in the House bill, so that the committee report would not be misleading in any respect, and I said, yes, there will. I am offering him the opportunity if he so desires, to look over my statment as to what my explanations of those changes are, in case he disagrees with my characterization.

Mr. PASHAYAN. The gentleman was nice to say that if I had any changes to suggest that I should be free to suggest them. How are we to bring about those changes in the bill?

Mr. SEIBERLING. we are not going to change the bill. This is merely a description of what changes were made by the Senate in the House-passed bill.

Mr. PASHAYAN. I will not continue to argue the arcane difference between the description of a bill and the substance of a bill.

I rise in opposition to this rule because it does not allow us substantially to investigate certain questions that have arisen regarding legislative language not considered by a House subcommittee or committee.

In this regard I specifically call to attention section 201 that adds 83 miles of the Tuolumne River to the National Wild and Scenic River System, and that section of the bill which states:

> Nothing in this section is intended or shall be construed to affect any rights, obligations, privileges, or benefits granted under any prior authority of law including chapter 4 of the Act of December 19, 1913, commonly referred to as the Raker Act (38 Stat. 242) and including any agreement or administrative ruling entered into or made effective before enactment of this paragraph.

Needless to say that any number of questions have been raised, and very few definitive answers provided. Why? Because this specific issue has not been reviewed in relation to adding the Tuolumne River to the Wild and Scenic River System.

Many of us from California have been contacted by the Tuolumne County Farm Bureau suggesting that this language is in the bill before us because the city and county of San Francisco are seeking to increase in size O'Shaughnessy Dam and further develop the hydroelectric potential of the Tuolumne River itself. For those perhaps not aware of O'Shaughnessy Dam and its Hetch Hetchy Reservoir and the legislative history simply called the Raker Act, Hetch Hetchy Reservoir occupies what John Muir called the Grand Canyon of Yosemite. It was his last battle with Congress, and one he lost. The Grand Canyon of Yosemite is inundated, the citizens of San Francisco pay about $30,000 annually to the National Park Service, and yet it is now suggested that the city and county of San Francisco want more, and it will be at the expense of both the National Park Service and those who have championed the cause of adding the Tuolumne River to the Wild and Scenic River System.

In my opinion, the language I cited is not needed to protect any right already enjoyed by the city and county of San Francisco at the Hetch Hetchy site. Yet under the rule we must accept that which has been introduced without question.

My constituents are asking questions I cannot answer. They want to know who will benefit from increased power generation. They want to know if further development will diminish the stream flows in the main Tuolumne River itself. They want to know if the white water rafting they have praised will be compromised.

Mr. Speaker, I know that the city and county of San Francisco and the National Park Service are engaged in stream flow studies on the Tuolumne. I know that the rates charged by the city and county of San Francisco are now set by the city and county of San Francisco, and that they are considering an 800-percent increase in the price of surplus power. What I do not know is why there is even consideration of further hydroelectric development at Hetch Hetchy and why the Federal Government will continue to enjoy $30,000 annually. Quite frankly, Mr. Speaker, there are a lot of questions as to why the city and county of San Francisco should be enjoying the degree of favoritism already in law.

Mr. Speaker, I ask that the House of Representatives reject the gag rule so that the handful of us who cannot support H.R. 1437 can offer modest amendments and, hopefully, present alternatives.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the gentlewoman from California [Mrs. BURTON].

Mrs. BURTON of California. I thank the gentleman for yielding this time to me.

Mr. Speaker, I am pleased to speak today on behalf of H.R. 1437 which my husband, Phillip, felt was vital to the preservation of California's natural heritage. The House passed this measure just 2 days after his death last April, by a margin of 3 to 1. Now, for the first time, this bill has returned from the Senate, after unanimous approval in committee and on the floor, for consideration by this body. It is because of my belief in preserving the beauty and integrity of our land that I come before you, urging your support.

H.R. 1437 represents a reasonable accommodation of many divergent views. The wilderness acreage in this bill is 600,000 less than what Phillip originally proposed and 600,000 acres more than what the Forest Service recommended—exactly midpoint between the two proposals and still well under one-third of the total lands eligible for wilderness designation.

This bill includes protection of the Tuolumne River as a wild and scenic river in the national system and designation of Mono Basin as a scenic area, preserving one of the world's oldest lakes. I am particularly concerned

with maintaining the integrity of the family camps on the Tuolumne. It is important that any attempt to develop the tributaries be consistent with protecting the integrity of the family camps.

Senator CRANSTON and Senator WILSON included language in this legislation to ensure that development on four of the river's tributaries would not be precluded. They stated that this language was added to the bill only after careful study and consultation with water resource engineers revealed that development of these minor tributaries would not detract from the wild and scenic characteristics of the main stem of the Tuolumne.

In any consideration of potential water resource development on the named tributaries, every care should be taken to protect the three family camps, the Community of Hardin Flat and the river's other resource values. Further, any development on these tributaries should also be consistent with the licensing requirements of the Federal Energy Regulatory Commission, as recently interpreted by the Supreme Court in the Escondido case.

Another exceptional feature of this measure proposes a new wilderness area dedicated to the memory of Ansel Adams. Phillip would be pleased, as I am, to know that Ansel's significant contributions to our environment were appropriately recognized by these actions.

A broad cross-section of citizen groups, industry representatives, conservationists, and local officials worked with Phillip for nearly a decade to determine which land should be included in the national wilderness preservation system. The result is a compromise that would resolve the lingering RARE II—roadless area—lawsuit in our State and allow development and multiple use on almost 1 million acres now restricted by court order.

This legislation also has the endorsement of many California newspapers: Los Angeles Times, Modesto Bee, Monterey Peninsula Herald, New York Times, Oakland Tribune, Palo Alto Peninsula Times-Tribune, Sacramento Bee, San Diego Tribune, San Diego Union, San Francisco Chronicle, San Francisco Examiner, Times-Standard of Eureka, and the Tracy Press—all of which I would like to include in the RECORD.

[From the Los Angeles Times, June 29, 1984]

CELEBRATION IN THE WILDERNESS

California's Tuolumne River has good reason today to dance around the huge boulders between its oak-lined banks on the western slope of the High Sierra. One of the nation's most elegant stretches of wet wilderness may shortly be part of the national Wild and Scenic River System, free of the threat of a dam project that would have turned much of the Tuolumne into a mud puddle.

The cause for celebration is an agreement announced Thursday by California's Democratic senator, Alan Cranston, and its Republican senator, Pete Wilson, to write a reprieve for the river into a bill that also declares 1.8 million acres of California land as wilderness area.

Wilson months ago joined Cranston to urge sanctuary for the Tuolumne and the thousands of fishermen, campers, rafters and deer hunters who savor the awesome solitude of the river and its forested canyons each year. But there was a good chance that a stand-alone bill protecting the Tuolumne would be defeated, at least in the House. The Ponderose-Golden Rock project that would dam the Tuolumne is in the district of Rep. Tony Coelho (D-Merced), and he supports the plan. Coelho is chairman of the House Democratic Campaign Committee, which raises funds and parcels them out to members—a position that makes it easier to persuade other members to the chairman's point of view than most Washington jobs.

Thus the river's fate depended on Wilson's and Cranston's reaching agreement on the number of acres to be included in the popular wilderness bill before they could both get behind the Tuolumne amendment. That agreement came after months of negotiation, with Cranston starting at the 2.4 million acres of wilderness outlined in HR 1473, a bill sponsored by the late Phillip X. Burton, and Wilson starting closer to the 1.2 million supported by the Reagan Administration and California timber interests. The agreement—reached, as Cranston put it, "acre by acre, tree by tree"—split the difference.

There is both substance and symbolism to the laudable way in which Cranston and Wilson closed ranks on the Tuolumne issue. Most California rivers lose the kinds of arguments in which the Tuolumne is involved and fade into polluted trickles. Regional interest in new sources of cheap hydroelectric power or irrigation water usually smothers arguments that California's natural beauty belongs to all its citizens and that the state's breathtaking grandeur cannot last if its free rivers keep getting trapped in the name of economic development.

Fortunately, both Cranston and Wilson saw the Tuolumne as a good place to draw the line. Rising in Yosemite National Park, the river flows west, widening into the Hetch Hetchy reservoir that captures San Francisco's water supply, then plunges through its canyons into the Sacramento River delta. Three-fourths of its potential to generate power is already used. Despite its role as a producer of power and urban water, the Tuolumne is essentially unspoiled. The only argument in favor of spoiling it was to generate more cheap power for an area around Modesto and Turlock where electricity already sells at prices 40% below the national average.

Environmentalists found less to celebrate in the compromise on the wilderness areas. On the bright side, 500,000 acres of spectacular wilderness in the Trinity Alps south of the Oregon border is included. Another 110,000 acres would be designated as the Ansel Adams wilderness and close the last gaps in a 150-mile stretch of untouched forests and meadows between Yosemite and Sequoia National Forest.

Left open to development would be such areas as Fish Canyon in Angeles National Forest; the federal government already is planning to open the area to dirt-bikers. Other areas worth protecting also failed to make the cut.

On balance, though, the package is splendid. There are tricky legislative rapids still to negotiate before the river is free. But Cranston and Wilson have shown remarkable skill at navigating treacherous waters so far. They provide good cause to hope that the waters of the Tuolumne will in the end be safe to dance around their boulders to the delight of many generations of Californians.

FREEDOM FOR A WILDERNESS

Passage of the California wilderness legislation in the U.S. Senate is cause for jubilation on the part of all Californians. None of the several wilderness bills making their way through Congress this year equals in importance the California legislation, for none of the other states have resources the equal of those that would would be protected by this legislation.

The California bill represents an effective compromise worked out by the state's two U.S. senators, Democrat Alan Cranston and Republican Pete Wilson. As a compromise of 1.8 million acres, it does not fully satisfy those who had favored a more restrictive plan of 1.2 million acres or those who supported the legislation of the late Rep. Phil Burton, approved last year by the House, to provide 2.4 million acres. But there is no reasonable alternative. Those, notably special business and recreation interests, who maintain their opposition bely their concern for the wilderness by adopting a strategy that risks losing everything.

A particularly good reason to celebrate is the inclusion in this legislation of protection for 83 miles of the Tuolumne River. Three-fourths of the river's energy already has been captured by existing projects. Proposals for new power developments on the river would benefit only a limited area already served with low-cost power, in contrast with the demonstrated value of preservation of the river for recreation for all.

Among the provisions of the California bill is an unprecedented 150-mile wilderness corridor stretching from Yosemite National Park to the Minarets, and a memorial wilderness named for Ansel Adams, whose photographs brought the wilderness to millions.

Legislation to provide new wilderness areas in Florida, Utah, Arkansas and Arizona cleared the Senate with the California bill. Left for further work because of some conspicuous inadequacies are bills for Montana, Idaho and Wyoming.

[From the Modesto (CA) Bee, July 1, 1984]

AH, WILDERNESS!

Congratulations are in order all the way around. The question of which parcels, among California's 6.2 million acres of roadless federal land, should be preserved as wilderness and which should be opened up for logging, mining and other kinds of development, has been unresolved since Congress first posed it 20 years ago. It's been the subject of fierce political battles for the last five years. And now, thanks to the hard work and commitment of California's senators, Alan Cranston and Pete Wilson, it is settled.

Not everyone will be happy with the compromise Wilson and Cranston have reached. Several wilderness areas that local communities had fought hard to preserve—3,900 acres adjacent to Lassen Volcanic National Park, among them—will be opened for de-

velopment, while a number of areas the timber companies and off-road vehicle clubs would have liked to get at will be made permanently off-limits to such wilderness-destroying activities.

Most significant among the sacrifices it demands, the Cranston-Wilson compromise will prohibit further development of the Tuolemne River, and an end of the effort by the Modesto and Turlock Irrigation districts to explore development of a new source of hydropower. The districts were holding out for at least a grace period in which to study the environmental effects of power development on this admittedly sensitive and beautiful recreation area. We continue to believe that this would have been a reasonable provision which would not substantially affect the overall gains of this compromise bill.

But taken together, the losses to both sides in these controversies were well worth the prize—an agreement, after all these years, to permanently preserve 1.8 million acres of wilderness for the enjoyment and education of future generations, and to free for other uses 3.3 milion acres (including some 56.9 million board-feet of harvestable timber) that had been locked in an administrative limbo while the wilderness debate was raging. (The compromise leaves it to the U.S. Forest Service to study another 1 million acres and decide how best to categorize those parcels.)

In their negotiations, Wilson managed to retain for the development interests pretty much the same acreage level he had originally promised them—far more than the preservationists wanted to give up, although less than what the Reagan administration had proposed. For his part, Cranston managed to save crucial areas in the Tahoe National Forest and in the Trinity Alps that Wilson's first compromise proposal would have opened to timbering.

And with this sort of give and take over areas up and down the state, they reached their shared goal—to permanently preserve the most important of California's last remaining wilderness areas, while getting the federal government and all interested parties started on the task of figuring out how best to manage the use of the rest of this precious heritage.

The two senators have lined up support for their compromise from almost all the key players in the Senate and House, people who have been battling each other on wilderness issues for years, and it is expected that a California wilderness bill finally will be passed within the next month or two. A job well done.

[From the Monterey (CA) Peninsula Herald, Feb. 15, 1984]

WILSON AND TUOLUMNE

It must have been a genuine dilemma which confronted Sen. Pete Wilson, a Republican. He was in what must have seemed a no-win position regarding a federal plan to protect a vital stretch of the Tuolumne River in the Sierra Nevada.

On the one hand, development interests are eager to build additional hydroelectric plants along the Tuolumne in order to tap a cheap and enduring source of energy. On the other, environmentalists—folks who do not normally count on Wilson's position squaring with their own—were hopeful that our junior senator would join with Sen. Alan Cranston and support continuing federal protection for the river.

That Sen. Wilson chose the latter course undoubtedly has upset many of his supporters, but his decision is realistic and a recognition that the Tuolumne should not be further tamed.

The Tuolumne already is extensively developed with a series of hydroelectric projects. For more than 50 years the river and its tributaries in the Sierra Nevada have provided much of the electrical power and nearly all the water consumed in San Francisco and neighboring Bay area communities.

That's 2 percent of the state's electricity and water for 2 million persons.

Yet the river retains its wild and scenic character, especially along a 30-mile stretch in Tuolumne Canyon, downstream of Yosemite National Park. It is that stretch which will soon lose its federal protection unless Congress enacts an extension or designates the river as a component of the National Wild and Scenic Rivers System, an idea now embraced by Sen. Wilson.

Failure to do so will mean that a plan by San Francisco and two irrigation districts for new dams and tunnels and hydroelectric plants will be considerably closer to reality. Such a scheme, as we have noted before, has the potential to turn one of the wildest rivers in California into a creek.

For California and the nation, there is an unquestioned need for new energy. But damming and probing and diverting the rushing waters of the Tuolumne River would generate only a modest amount of additional hydroelectric power while destroying one of the few remaining reaches of white water in the Central Sierra.

Sen. Wilson deserves to be commended for recognizing the threat. The Tuolumne is a natural treasure that deserves its freedom, and coming down on the side of its preservation should not be regarded as a no-win situation at all.

[From the New York Times, May 2, 1984]

AND CONGRESS TALKS AS THE ENVIRONMENT SUFFERS

(By Peter Steinhart)

PALO ALTO, CA.—What Congress does about California's Tuolumne River in the next few weeks may tell us about its resolve to honor a 16-year-old commitment.

In 1968, Congress passed the Wild and Scenic Rivers Act, declaring its intent to balance the policy of building dams with a policy of preserving free-flowing rivers. For awhile, Congress worked for that balance. It placed 7,000 miles of five dozen streams into the wild rivers system. Nearly half of them were added in the 1980 Alaskan Lands Act alone.

But Congress hasn't added a river since 1980. It debates fiercely how much wilderness to preserve, but it has forgotten the rivers. In 1981, the Park Service and Forest Service recommended 18 rivers for protection, and they are studying 40 more at Congress's behest. Congress hasn't voted on any of them. The Reagan Administration wants to weaken protections on five California rivers that compose 17 percent of the system. If those go, there would be only 2,000 miles of wild river left in the lower 48 states. There are interstate highways with more miles under pavement.

Meanwhile, we are continuing to dam, divert, dredge and encase in concrete even those few rivers that have been recommended for protection. Among them are Maine's Penobscot, Colorado's Dolores, Kentucky's Red, Michigan's Pere Marquette and the Illinois, in southwestern Oregon.

No river so clearly deserves protection as the Tuolumne. In 1979, the Park Service, Forest Service and Office of Management and Budget urged that 83 miles of the Tuolumne, 54 of them inside Yosemite National Park, be placed in the wild rivers system. Congress yawned. The three year ban on development that protects a river while Congress debates its protection expired. In 1983, the Federal Energy Regulatory Commission awarded by City of San Francisco and the Modesto and Turlock irrigation districts a permit to jointly develop three dams on the Tuolumne.

Since then, both the California's Senators and two-thirds of its Congressman have called for protection of the Tuolumne. Hearings will be held in the House of Representatives on May 3d on the matter. So strong is support for a wild Tuolumne that the leading opponent, Tony Coelho, a Democratic Representative from Modesto, offers a bill that first declares the river wild and then exempts it from the dam building prohibitions of the Wild Rivers Act. It allows Mr. Coelho to say he favors protection while he dams.

The Tuolumne is already highly developed. It has five dams and powerhouses, including the Hetch Hetchy system, built by San Francisco after a bitter environmental battle, and the huge Don Pedro Reservoir, operated by Modesto and Turlock. The Tuolumne provides 25 percent of California's electricity, and supplies drinking water to 8 percent of the state's population. And fully 90 percent of its development potential has been tapped. The California Department of Water Resources and the State Energy Commission have declared that further development would not be in California's best interests.

Located less than three hours' drive from San Francisco, the Tuolumne is an invaluable aesthetic and recreational resource in a rapidly urbanizing state. It has remarkable scenery, deep glades of oak and pine, roaring cataracts and long, green pools. It has abundant wildlife, including over 200 species of birds. It offers year-round camping. It is regarded as the Sierra Nevada mountains' best wild trout fishery, one of the few wild trout streams left. It is California's premier white water river, providing a rafting and kayaking experience comparable to the Colorado River. San Francisco, San Jose, Berkely and a religious charity operate low-cost family recreation camps on its banks.

The dams would reduce parts of the river to a trickle while flooding others. They would make the river a single-use resource, an energy mine. Placing public interest above the city's profit, the San Francisco Board of Supervisors unanimously asked Congress to declare the Tuolumne wild. That left Modesto and Turlock the sole proponents of the dams. The two irrigation districts want dams to escape having to buy more expensive power from other sources. But they boast of having some of the lowest electricity rates in California, rates only 40 percent of the state average. Studies show that they could meet 80 percent of future needs by conservation alone, and that alternative sources of power, such as geothermal, could be developed.

Congress should assume its 16-year-old responsibility. Our need for the flow and energy of rivers, for white water recreation, healthy trout streams and wildlife habitats increases while the rivers vanish. Congress should vote for wild rivers. And it ought to begin with the Tuolumne.

[From The Tribune, Jan. 31, 1984]

TUOLUMNE, NOW AND FOREVER

Nearly 10,000 feet up into the Sierra Nevada, near Tioga Pass, burbles a small, crystalline brook. Desending the mountain, passing through meadows and canyons, it picks up speed and volume until it becomes the Tuolumne River. One of America's great scenic wonders and most valuable economic assets, its future now hangs in the balance.

California Republican Sen. Pete Wilson is expected to announce Wednesday whether he supports inclusion of 83 miles of the river below the Hetch Hetchy reservior in the National Wild and Scenic Rivers system.

His support—on top of that already pledged by Sen. Alan Cranston and a flock of Bay Area members of Congress—will ensure protection of the Tuolumne's multiple uses and unequalled virtues.

His opposition may leave the river's fate in the hands of the Federal Energy Regulatory Commission, a development-minded agency that last April authorized studies of several massive new hydroelectric projects that could destroy the spectacular river's last unspoiled stretches.

A joint study by the U.S. departments of Agriculture and Interior in 1979 lauded as "outstandingly remarkable" the Tuolumne's value for recreation, and as a habitat for the diverse wildlife that shelter in its basin during the cold winter months.

More than 130,000 people a year now take advantage of its unsurpassed trout fishing, white water rafting and camping and hiking opportunities. As growth and development increasingly hem in the flatlands, wild yet accessible kingdoms like the Tuolumne will become ever more valued sanctuaries of the human spirit.

The Tuolumne doubles as vastly more than a nature preserve, however, it is truly a working river. Dams, power generators, and other facilities harness its awesome potential. It currently supplies two percent of California's electricity, drinking water for three million people, and irrigation water for 300,000 acres of farmland.

Protection of the river under wild and scenic status wouldn't impinge on these uses. On the contrary, it would preserve the river for multiple uses—unlike the current proposals ventured by planners hired by the Modesto and Turlock Irrigation Districts.

Not content with reaping their already enormous economic benefits from the river—including irrigation, flood control, and electricity 40 percent cheaper than the national average—these districts want it all. At a cost of nearly a billion dollars, they propose two alternative schemes to dam and divert several forks of the river to generate hydropower to meet projected needs.

Those needs—based on questionable estimates of future demand that far exceed those of PG&E—could be met fully by alternative sources, including abundant geothermal power or improved conservation methods.

Such new hydroelectric facilities could destroy the Sierra's finest trout fisheries, three Bay Area family camps, whitewater commerical rafting, and the wintering grounds of Yosemite's deer herds.

The case is clear. Further study of the engineering details won't change the larger picture. Congress must act now to save one of California's—and the nation's—true wonders. Sen. Wilson should take the lead in preserving the Tuolumne for all to enjoy and for all future generations to cherish.

[From the Palo Alto, Peninsula Times-Tribune, Jan. 31, 1984]

LET THE RIVER BE

The latest proposal to dam the Tuolumne River has been presented as a compromise to satisfy rafting enthusiasts. But when the plan is likely to decimate the river's rafting quality, with a plumbing configuration that Rube Goldberg would admire, it's difficult to see why the plan's proponents bothered.

The Turlock and Modesto irrigation districts have offered the Ponderosa proposal as an alternative to the proposed Clavey-Ward's Ferry project, whose expected impact on the river prompted bills in Congress last year to place the threatened 83 miles of the river under the protection of the Wild and Scenic Rivers system. Some of those bills may be considered in the next few weeks.

The Clavey-Ward's Ferry project drew howls not only for its impact on a pristine canyon but because it would eliminate much of the white-water rafting for which the Tuolumne is renowned. The Ponderosa plan would, like the Clavey-Ward's Ferry project, divert the Tuolumne's water through a tunnel leading several miles downstream to a powerhouse. But to restore water to the main branch, the Ponderosa project would divert water from the Tuolumne's Middle Fork to the South Fork, dam the South Fork and then release enough water into the Tuolumne itself in the summer to provide for rafting.

Commercial rafting outfitters are furious with the plan because it would release the water for only three months of a nine-month rafting season, and at a rate of 800-900 cubic feet per second. Experienced rafters feel challenged only at a flow of 2,500 cubic feet or more, and levels below 1,000 cubic feet are considered alternately boring, because the flow is so slow, and dangerous, because the rafts hit rocks.

More importantly, the Ponderosa plan would alter, and at places disfigure, one of nature's most magnificent settings—to an even greater degree than the Calvey-Ward's Ferry project would.

The use of the Tuolumne already are balanced—five dams and powerhouses are on the river now. "Wild and Scenic" protection would not erase that development; it would simply preserve the status quo.

If 20 or 50 years from now, the state is truly in need of more of the Tuolumne's power, then more dams and generators can be built. But nothing can restore the beauty of the river and its canyon once the dams are there.

[From the Sacramento Bee, July 3, 1984]

AH, WILDERNESS

Congratulations are in order all the way around. The question of which parcels, among California's 6.2 million acres of roadless federal land, should be preserved as wilderness and which should be opened up for logging, mining and other kinds of development, has been unresolved since Congress first posed it 20 years ago. It's been the subject of fierce political battles for the last five years. And now, thanks to the hard work and commitment of California's senators, Alan Cranston and Pete Wilson, it is settled.

Not everyone will be happy with the compromise Wilson and Cranston have reached. Several wilderness areas that local communities had fought hard to preserve—3,900 acres adjacent to Lassen Volcanic National Park, among them—will be opened for development, while a number of areas the timber companies and off-road vehicle clubs would have liked to get at will be made permanently off-limits to such wilderness-destroying activities.

Perhaps most significant among the sacrifices it demands, the Cranston-Wilson compromise will prohibit further development of the Tuolumne River, an area near Yosemite in which local water districts had hoped to develop new hydropower sources. The districts were holding out for at least a grace period in which to study the environmental effects of power development on this admittedly sensitive and beautiful recreation area. And that would have been reasonable.

But taken together, the losses to both sides in these controversies were well worth the prize—an agreement, after all these years, to permanently preserve 1.8 million acres of wilderness for the enjoyment and education of future generations, and to free for other uses 3.3 million acres (including some 56.9 million board-feet of harvestable timber) that had been locked in an administrative limbo while the wilderness debate was raging. (The compromise leaves it to the U.S. Forest Service to study another 1 million acres and decide how best to categorize those parcels.)

In their negotiations, Wilson managed to retain for the development interests pretty much the same acreage level he had originally promised them—far more than the preservationists wanted to give up, although less than what the Reagan administration had proposed. For his part, Cranston managed to save crucial areas in the Tahoe National Forest and in the Trinity Alps that Wilson's first compromise proposal would have opened to timbering.

And with this sort of give-and-take over areas up and down the state, they reached their shared goal—to permanently preserve the most important of California's last remaining wilderness areas, while getting the federal government and all interested parties started on the task of figuring out how best to manage the use of the rest of this precious heritage.

The two senators have lined up support for their compromise from almost all the key players in the Senate and House, people who have been battling each other on wilderness issues for years, and it is expected that a California wilderness bill finally will be passed within the next month or two. A job well done.

PATH THROUGH THE WILDERNESS

After 20 years of studying and five years of political battling, the fate of 5.1 million acres of California wilderness will finally be settled today or tomorrow in the U.S. House of Representatives. The vote is expected to be lopsidedly in favor of the compromise that California's two Senators, Democrat Alan Cranston and Republican Pete Wilson, hammered out so laboriously and negotiated through the Senate earlier this summer. And that's how it ought to be: Out of the political complexities that have so long swamped this difficult issue, Cranston and Wilson have created a monument to the art of political compromise that all sides should have the sense to applaud.

Neither the preservationists nor the developers got everything they wanted from Cranston and Wilson. There are areas of pristine beauty that will be opened up for timbering and other irretrievably destructive uses. And there are wilderness areas

whose resources local communities very much wanted to develop that now will have to be left permanently roadless and untouchable.

But over all, what's been achieved is remarkably responsive to the priorities of both groups. Some 1.8 million acres of wilderness are going to be preserved, among them the most unique and sensitive areas and those most valuable to campers and students of wildlife. At the same time, 3.3 million acres will finally be opened—after years of litigation and moratoriums—for timbering and other forms of development, even for ski resorts, in areas where the exploitable resources and the local employment needs are most compelling.

Those who are still lobbying against this settlement of the longstanding feud have nothing more workable to offer; they would only further delay the industry and the development of wilderness management plans that the Cranston-Wilson plan will finally allow to begin. Fortunately, it appears that most of the members of the House know it, and the California wilderness bill will get the support it deserves.

[From the San Diego Union, Feb. 20, 1984]

ADMIRABLE BALANCE

We agree with Sen. Pete Wilson's bill preserving the last remaining wild stretch of the Tuolumne River.

Mr. Wilson's legislation designates an 83-mile segment of the Tuolumne, located 150 miles east of San Francisco, as part of the national Wild and Scenic Rivers System, as was recommended by the Forest Service in 1979. Only 2 percent of the miles of all rivers in the continental United States qualify for the system, making what remains untamed of the Tuolumne a valuable stretch of waterway.

The Tuolumne is enjoyed by thousands of fishermen, canoeists, campers, and wildlife watchers every year. It is one of the top four whitewater boating areas in the United States, on a par with the Grand Canyon run. Moreover, the Tuolumne is the locale for a successful wild trout fishery, and offers some of the finest stream fishing to be found anywhere.

The river is already harnessed for 89 percent of its water supply and 70 percent of its hydroelectric capacity. Further development would provide additional power to Stanislaus County. But Stanislaus County already has the lowest electrical costs in the state. And diverting any more water to sparsely populated Tuolumne County is unnecessary. San Francisco's Public Utilities Commission is expected to expand to cover Tuolumne County, cutting the county's water costs by 70 percent.

Sen. Wilson's redesignation of the Tuolumne River is included in a bill adding 1.7 million acres to the National Wilderness system—a compromise between the 1.2 million acres proposed by developers and the 2.3 million acres proposed by environmentalists. Actually, it is part of Sen. Wilson's carefully crafted environmental package. He has also introduced a bill authorizing completion of the long-delayed Auburn Dam on the American River north of Sacramento and thrown his support behind a bill declaring Mono Lake a national Scenic Area.

Sen. Wilson's environmental legislation is a compromise that strikes an admirable balance between competing interests. We endorse it and hope for early, smooth passage.

[From the San Diego Evening Tribune, Jan. 31, 1984]

TUOLUMNE RIVER MUST BE PROTECTED

The Tuolumne is a magnificent river. It roars and tumbles from the Yosemite highlands through a majestic canyon to the Central Valley.

It's true that the river has been harnessed by the Hetch Hetchy and the Don Pedro reservoirs. Nevertheless, between the two reservoirs it is still wild and rambunctious—a sight to behold. Thousands of river rafters, fishermen, hunters, gold seekers and campers visit the wild stretches each year and come away with memories that will last a lifetime.

In order to protect the river, Sen. Alan Cranston, D-Calif., has introduced legislation that will make the Tuolumne part of the federal Wild and Scenic River System. This would block further development until a time came when more electrical power was urgently needed.

Sen. Pete Wilson, R-Calif., also has entered a bill that would include the Tuolumne River Canyon in a study for possible wilderness designation.

The river needs this protection. The Modesto and Turlock irrigation districts, which have rights to the Tuolumne, want to expand hydroelectric production. They want to delay any wild river protection until an in-depth study of environmental, economic and other impacts can be completed.

The irrigation districts have suggested new ways to dam the river and gain 390 megawatts of electricity. This would cut the water flow, and the Tuolumne would lose its status as California's most challenging river for boaters and rafters, equal to the Grand Canyon and the Salmon River in Idaho.

Furthermore, the scenic canyon would be crisscrossed with utility lines and besmirched with power plants. Half the trout fishing areas along the Tuolumne and its tributaries, the Clavey River and Cherry Creek, would be destroyed.

We call on Wilson and Cranston to stand fast in protection of the Tuolumne. The river is part of our heritage, a environmental wonder that deserves a bipartisan effort.

[From the San Francisco Sunday Examiner & Chronicle, May 20, 1984]

GET ON WITH WILDERNESS PROTECTION

A compromise worked out between House and Senate leaders early this month opened the floodgates for a wave of badly needed legislation to add as much as 10 million new acres to the nation's stock of federally protected wilderness. The agreement concerned the fate of lands that had been studied for designation as wilderness but had not been declared so. Environmentalists argued that such unprotected lands in the future should be reviewed periodically for consideration as wilderness; developers, with the support of the White House, opposed such reviews.

That's a formula for a logjam, and that is exactly what developed, as wilderness bills affecting more than two dozen states languished. Congressional leaders finally forged a compromise that permits reconsideration of the controversial areas every 10 years, while allowing development. With the compromise came quick action: within a day the Senate Energy and Natural Resource Committee approved no fewer than six bills designating as wilderness 3.2 million acres of forest in five states. A spokesman for the Wilderness Society estimates that Congress may pass at least 20 wilderness bills this year.

That's well and good; we welcome the preservation of additional wilderness lands to fulfill both recreational and environmental needs. But whether or not California will be included depends on how negotiations go between Sens. Alan Cranston and Pete Wilson. Cranston is backing a measure that would set aside 1.9 million acres for federal protection; Wilson's proposal calls for 1.69 million acres.

We hope that this relatively small difference will not unduly delay the passage of a bill that California's entire legislative delegation can support. And we see no compelling reason to settle on a figure of less than 1.9 million acres, which was arrived at after substantial concessions to developers.

The land under consideration for wilderness protection—in California and elsewhere—has been under federal review since 1970, 14 years is long enough to sift through all the competing claims. Indications from Washington are that Cranston and Wilson may work out a compromise within three weeks. We hope they do so, for passage of the bill seems assured—as soon as there is a bill to pass.

[From the San Francisco Examiner, Aug. 12, 1984]

A RESCUE HALF ACHIEVED

Thursday was a landmark day in the fight to save a vast and precious sweep of nature in California. Thanks to a compromise between Sens. Pete Wilson and Alan Cranston, the California wilderness bill which has been awaited for almost two decades passed the Senate.

Now the House of Representatives must do its duty and approve this legislation which would protect 1.8 million acres of wild country and, among its many achievements, prevent the further damming of the Tuolumne River. That strand of liquid crystal, tumbling down out of the Sierra through many a primitive gorge, will become a nationally protected wild river when this measure finally passes both houses.

That fulfillment will, we think, occur. But opposition may arise in the House from development interests both public and private—people who want to build more dams for public power in the first category and companies that crave to cut more timber in the private designation. So nothing can be left to chance: Exceptional energy and leadership are required on the part of environment-minded House members if this measure is to receive the approval it deserves.

Rep. Sala Burton, D. San Francisco, displayed those qualities in requisite degree when she convinced House Speaker Tip O'Neill to allow an expedited vote on the bill, before the members left Friday for a three-weeks recess. Lamentably, the vote got delayed too long Friday afternoon by debate on other measures and had to be postponed until next month.

Sala Burton has a powerful interest because her husband, the late Rep. Phil Burton, was the champion of this legislation when it called for preserving 2.3 million acres of federal lands against development. The House bill in fact still bears his name. The memory of his vast contributions to protection of the outdoors should help to propel this final version to enactment.

It is trimmed down from his original design but still the largest wilderness designation in the state's history, and no one should be allowed to delay it, or trim it any further.

[From the Tracy Press, Feb. 19, 1984]

WILSON SUPPORTS TUOLUMNE PROTECTION

Support voiced last week by U.S. Senator Pete Wilson for the designation of a critical section of the Tuolumne River as wild and scenic is an important development in efforts to protect that unique portion of the Sierra rivers system.

In announcing his support for wild and scenic river status for the Tuolumne, Wilson also came out in favor of construction of the Auburn Dam on the American River and for a compromise proposal on the size of a California wilderness area. The positions taken by California's junior senator in there areas have met with mixed reactions from water, farm and environmentalist groups. From our standout, it appears Wilson has struck a good balance between development and protection of natural areas, and we applaud his decisions.

Wilson's position on the Tuolumne would preclude major hydro-electric power plants proposed by the Modesto and Turlock irrigation districts on an 38-mile section important for fishing, scenic and rafting considerations, but wouldn't prevent development of smaller hydro projects on tributary streams, which could be used by Tuolumne County agencies to generate power for that area of the Sierras. The need for power to serve the needs of the home county is more compelling than that for the Modesto and Turlock areas, which already enjoy much lower power rates than our part of the valley.

Now that Wilson has come out for wild and scenic status for the Tuolumne, efforts to push legislation through both houses of Congress are greatly enhanced. We are still waiting for Rep. Norm Shumway (R-Stockton) to indicate his position on the issue. He would do well to take a queue from Wilson and back protection for that irreplaceable stretch of Sierra waterway. SHM

[From the Eureka Times-Standard, Aug. 26, 1984]

OPINIONS: WILDERNESS BILL IS ACCEPTABLE

When Congress reconvenes early next month, the House of Representatives will be reviewing the California Wilderness bill—legislation of prime importance to area residents.

It appears that our representatives are finally on the verge of ending a stalement of 20 years over wilderness designation. Swift acceptance by the House of Sen. Pete Wilson's compromise bill on this controversial subject will assure this achievement.

It has been two decades since Congress authorized the U.S. Forest Service to survey areas for protection under the Wilderness Act. The service subsequently proposed 1.2 million acres of California federal land for this status, although action on this recommendation was delayed by court orders in 1972 and 1979. A stalement subsequently developed in Congress over how to proceed on the recommendations.

As a result, five million acres of California land have been left in limbo—much of it rich in natural resources and prime for development. This costly delay has stymied oil and gas exploration, new mining, hydroelectric work, ski resort construction, and numerous other projects. At the same time, conservationists have been left without any sense of which wilderness areas might be permanently protected.

A breakthrough came at last in June, when Sen. Wilson forged a compromise with Sen. Alan Cranston. The bill which emerged struck a balance between the 1.2 million acres targeted for protection under the original Forest Service proposal and the 2.4 million acres proposed under legislation carried by the late Rep. Phil Burton and approved by the House last year. Wilson's bill splits the difference and urges placement of 1.8 million acres in wilderness status.

Needless to say, not everyone has embraced the proposal. Industry representatives claim that too much land is being locked up.

The fact is that there is no way to satisfy all of the parties in a dispute as complex as this one. The secret is to get the opposing factions to talk with one another and to strike some middle ground. This process was begun by Rep. Doug Bosco last year and carried through the discussions which Wilson and Cranston conducted earlier this year.

Against this tug-of-war background, the bill, which has emerged is a fair one. It cleared the Senate earlier this month, and it now remains for the House to accept the Senate's version and move the bill to the president's desk. A signature there seems assured.

The one remaining question involves those areas set aside for further planning. These are federal lands for which no clear recommendation was made by the Forest Service and which can be reviewed for possible wilderness designation in the future. Approximately 1.9 million acres full under this heading.

That's a lot of acreage, more than should be considered for future wilderness expansion. But those are tomorrow's battles. Wilson has produced a bill which promises to move us ahead today, and to end the unnecessary delays over using much of this state's developable land.

Action by the House will end further court challenges to the Forest Services reviews and get many needed projects moving forward. It's time to get on with business.

This measure has passed the House three times, and the last time with only 96 opposing votes. I ask my colleagues to join me today in voting for the rule on H.R. 1437.

Thank you.

Mr. LOTT. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. SHUMWAY].

Mr. SHUMWAY. I appreciate the gentleman yielding this time to me because this is a very vital bill and one that affects all of us in California and one that I am delighted to speak on.

Mr. Speaker, I must add my voice in opposition and support those who have spoken in opposition to this rule. We are talking here about a closed rule. Normally as we proceed in the House we adopt rules of this nature where we have legislation before us that is conceded to be noncontroversial or perhaps does not contain matters that have not been previously considered by the House.

Where a bill, however, comes before the body and contains controversy, as this one obviously does, and contains areas of legislation that have not previously been considered by the House, I believe it is totally inappropriate to stifle debate and close off the efforts that might be made on behalf of those who think the bill is ill-considered.

I believe, Mr. Speaker, that it would be fair to have the bill considered under the 5-minute rule and to be given the opportunity, as we have other controversial legislation, to offer amendments and to fully explore the ramifications of this legislation.

Those who are pushing the bill today say that we want to avoid that kind of scenario because the bill is delicate; it is the result of a very carefully crafted compromise. But, Mr. Speaker, the effect of this rule is to shut off consideration of concerns on behalf of those who perhaps, although they are a small minority in this body, nevertheless are directly affected and have, therefore, very strong feelings about the bill.

□ 1350

I believe that if indeed this bill can stand the test, it should be considered either on the Suspension Calendar if it is noncontroversial, or with an open rule so that it can be fully debated and amended. But the fact of the matter is that the proponents of this compromise fear either one of these approaches, and so they bring it on today under this very unusual procedure and ask us to adopt a bill that will circumvent the usual legislative process.

This bill contains scenic and wilderness designation for the Tuolumne River, and I do not think I have to remind the Members of the House that that is a very controversial subject, one that has never been debated on this floor and one that needs to be aired very fully.

The bill contains new wilderness areas that were not in the House-passed version, and one of those is in my district, the Bucks Lake Wilderness, which has engendered considerable controversy in northern California.

With reference to Bucks Lake, Mr. Speaker, I would just like to point out some areas that I think might well be appropriate to be considered for amendment to that provision. That particular wilderness area could be amended on the north boundary to incorporate a small area which has very good mineral potential. As I understand it, the compromise which was negotiated in the Senate was to avoid the lockup of minerals if conflicts could be easily avoided, and here I believe only a minor boundary adjustment would avoid that kind of conflict and allow that kind of development to occur. But again I am going to be precluded from doing that because of the prohibition against amendments.

Another area within the Bucks Lake area, the Spanish Peak area on the southeast edge, is a potential ski site, and indeed it is one of the best in Plumas County. According to local officials, local preservationists are agree-

able to a boundary change which would allow for the ski development, but again, Mr. Speaker, I am precluded from suggesting that because of the gag nature of this particular rule.

This bill is opposed by many. The gentlewoman from California [Mrs. BURTON] has supplied a list of many of those newspapers that support the bill, but I would just like to point out to the House that this bill is opposed by the California Cattlemen's Association, the State Chamber of Commerce, the Farm Bureau Federation, the California Licensed Foresters Association, the Mining Association, the Municipal Utilities Association, the State Grange, the Wildlife Federation, the National Outdoor Coalition, the Regional Coalition of Rural Counties, the Western Timber Association, and on and on. There is a long list of those that have good reasons for registering their opposition to this bill.

Mr. Speaker, I believe that the bill to be considered known as the California Wilderness bill is a bad bill in its present form. It indeed cries out for amendment and debate in the full legislative process in spite of its memorial characteristics. I think it is wrong to consider the bill under a closed rule, and I, therefore, urge my colleagues to vote against this resolution and allow the bill to come back under the normal procedures.

Mr. LOTT. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. DANNEMEYER].

Mr. DANNEMEYER. Mr. Speaker, this bill, although numbered 1437, should be called "The Great Land Grab," because that is just what it entails.

In 1964, policywise, the Congress said that we are going to adopt wilderness areas in America of 9.1 million acres. In 1972 we raised that total under RARE I to 12.3 million acres. In 1979, under RARE II, we raised it to 15 million acres, and we projected it to encompass possibly another 11 million acres. Today, in 1984, we have 80 million acres designated as wilderness in these United States. From the original plan, a little less than 10 million acres, we have now put into wilderness designation eight times that number, some 80 million acres. Where is it going to stop?

This bill happens to pertain to my home State of California, and I want to share with my colleagues a little bit about who owns what in that great State. We have a little over 100 million acres of land. The Federal Government has title to about 47.5 million acres today, almost half of the land. The National Park Service has 4.5 million acres, the Forest Service has 20.4 million, the Bureau of Land Management has 18 million, and a host of other Federal agencies numbering about 34 have small parcels here and there.

One would ask, is that not enough to discharge the Federal responsibility of providing conservation of our resources? No, not in the view of the proponents of this legislation. They want more. In this instance they want to add an additional 1.8 million acres to the "land grab" of the Federal Government.

What is the limit? I am told that there is language in this bill that will study another 10 million acres for inclusion in the category of wilderness. Where will it all stop?

There is a division in the House as to whether or not we should adopt 1.8 million acres. I respect that. Some of my colleagues from California think we should adopt no more than 1 million or 1.2 million acres, which I think is close to fair. But this bill is again brought to the House under a proceeding whereby we are permitted to stand in the well of the House and talk about the amendments we would like to adopt or propose, but then the majority which controls this House and the Rules Committee have fashioned a rule whereby not one amendment that we would seek to offer is in order. We are just stuck. The great land grab cannot be diminished in any way in the form of an amendment. I think that is regrettable. It is an abomination. It is a dilution of the democratic process when those of us who have responsible amendments would like to offer them but under the rules under which this bill is brought to the floor of the House we may not do so.

For these reasons, Mr. Speaker, I think this rule should be rejected.

● Mr. YOUNG of Alaska. Mr. Speaker, I rise in strong opposition to the rule. In a year when fairness has become a popular theme, it is apparent that you do not practice what you preach.

The rule is effectively a closed rule. It calls for consideration of the Senate bill with no intervening motions; that is, no amendments are in order.

I do not believe this procedure is necessary. Why are you afraid of amendments which might improve the bill?

The California Wilderness bill is in its third Congress. I realize that some believe this is a reason to rush it through today but a little more time and open debate is not going to change the outcome significantly. An opportunity for amendments might, however, give Members whose districts are heavily impacted a final opportunity to be heard.

A minor boundary adjustment could, for example, lessen the resource impact on a particular community and perhaps make the difference of saving a mill or a number of jobs.

If you vote for a closed rule, you are foreclosing the opportunity for these people to have their final "day in court."

The so-called compromise also has new material in it which the House has never considered before. It is essentially an omnibus California bill. It contains a very controversial provision to designate a portion of the Tuolumne River as wild and scenic.

The Tuolumne River issue was the subject of 2 long days of hearings in the Public Lands Subcommittee but we never went to markup.

In other words, we never had an opportunity to amend the provision in committee and now we are prevented from doing so on the floor. We will not even have the opportunity for a separate up-or-down vote on the Tuolumne question.

We have accomplished a great deal in this Congress and have come a long way in resolving the RARE II debate. I do not believe we should, in our rush to finish, turn our backs on fairness and open debate. This procedure only serves to convince me that the bill is bad compromise.●

Mr. LOTT. Mr. Speaker, I have no further requests for time, and unless the gentleman from South Carolina has further requests, I will yield back the balance of my time.

Mr. DERRICK. Mr. Speaker, I have no further requests for time.

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

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

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

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 295, nays 112, not voting 25, as follows:

[Roll No. 384]

YEAS—295

Ackerman	Boehlert	Coleman (TX)
Addabbo	Boland	Collins
Albosta	Boner	Conte
Anderson	Bonior	Conyers
Andrews (NC)	Bonker	Cooper
Andrews (TX)	Borski	Corcoran
Annunzio	Bosco	Coughlin
Anthony	Boucher	Coyne
Applegate	Boxer	Craig
Aspin	Breaux	Crockett
AuCoin	Britt	Daniel
Barnard	Brooks	Darden
Barnes	Brown (CA)	Daschle
Bateman	Bryant	de la Garza
Bates	Burton (CA)	Dellums
Bedell	Byron	Derrick
Beilenson	Carper	DeWine
Bennett	Carr	Dicks
Bereuter	Chappell	Dingell
Berman	Clarke	Dixon
Bethune	Clay	Donnelly
Bevill	Clinger	Dorgan
Biaggi	Coelho	Dowdy

Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
English
Erdreich
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Fiedler
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gore
Gradison
Gray
Green
Gregg
Gunderson
Hall (IN)
Hall (OH)
Hamilton
Hance
Harkin
Harrison
Hatcher
Hawkins
Hayes
Hefner
Heftel
Hertel
Hightower
Holt
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Ireland
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kastenmeier
Kazen
Kennelly
Kildee
Kleczka
Kogovsek
Kolter
Kostmayer
LaFalce
Lagomarsino
Lantos
Leach
Lehman (CA)
Lehman (FL)
Leland
Levin
Levine
Levitas
Lipinski
Lloyd
Long (LA)
Long (MD)
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
MacKay
Martin (IL)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCloskey
McCurdy
McDade
McHugh
McKernan
McKinney
McNulty
Mica
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Mollohan
Montgomery
Moody
Morrison (CT)
Mrazek
Murphy
Murtha
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Obey
Olin
Ortiz
Ottinger
Owens
Panetta
Parris
Patterson
Pease
Penny
Pepper
Petri
Pickle
Price
Pursell
Quillen
Rahall
Rangel
Ratchford
Ray
Reid
Richardson
Ridge
Rinaldo
Rodino
Roe
Roemer
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sawyer
Scheuer
Schneider
Schroeder
Schumer
Seiberling
Sensenbrenner
Sharp
Shelby
Sikorski
Sisisky
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Snowe
Solarz
Spence
Spratt
St Germain
Staggers
Stark
Stokes
Stratton
Swift
Synar
Tallon
Tauzin
Thomas (GA)
Torres
Torricelli
Traxler
Udall
Valentine
Vandergriff
Vento
Volkmer
Walgren
Watkins
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitley
Whitten
Williams (MT)
Williams (OH)
Wilson
Wirth
Wise
Wolf
Wolpe
Wright
Wyden
Yates
Yatron
Young (FL)
Young (MO)
Zschau

NAYS—112

Archer
Badham
Bartlett
Bilirakis
Bliley
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Campbell
Chandler
Chappie
Coats
Coleman (MO)
Conable
Courter
Crane, Daniel
Crane, Philip
Dannemeyer
Daub
Davis
Dickinson
Dreier
Duncan
Edwards (OK)
Emerson
Erlenborn
Fields
Fish
Franklin
Frenzel
Gekas
Gingrich
Goodling
Hall, Ralph
Hall, Sam
Hammerschmidt
Hansen (ID)
Hansen (UT)
Hartnett
Hiler
Hillis
Hopkins
Horton
Hunter
Hyde
Jacobs
Kasich
Kindness
Kramer
Latta
Leath
Lent
Lewis (CA)
Lewis (FL)
Livingston
Loeffler
Lott
Lungren
Mack
Marlenee
Marriott
McCandless
McCollum
McEwen
McGrath
Michel
Miller (OH)
Molinari
Moore
Moorhead
Morrison (WA)
Myers
Nielson
O'Brien
Oxley
Packard
Pashayan
Patman
Paul
Porter
Regula
Ritter
Roberts
Robinson
Rogers
Rudd
Schaefer
Schulze
Shaw
Shumway
Shuster
Siljander
Skeen
Smith, Denny
Smith, Robert
Snyder
Solomon
Stangeland
Stenholm
Sundquist
Tauke
Taylor
Thomas (CA)
Vander Jagt
Vucanovich
Walker
Whittaker
Winn
Wortley
Wylie
Young (AK)

NOT VOTING—25

Akaka
Alexander
Boggs
Carney
Cheney
D'Amours
Dyson
Ferraro
Gramm
Guarini
Jeffords
Kemp
Madigan
Markey
Martin (NC)
Martin (NY)
Oberstar
Pritchard
Savage
Shannon
Simon
Studds
Stump
Towns
Waxman

□ 1410

Mr. WISE and Mr. GUNDERSON changed their votes from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

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

CALIFORNIA WILDERNESS ACT OF 1983

Mr. UDALL. Mr. Speaker, pursuant to House Resolution 573 just agreed to, I move to take from the Speaker's table the bill (H.R. 1437), entitled the "California Wilderness Act of 1983," with the Senate amendment to the text of the bill, and agree to the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendments as follows:

Strike out all after the enacting clause and insert:

That this title may be cited as the "California Wilderness Act of 1984".

TITLE I

DESIGNATION OF WILDERNESS

SEC. 101. (a) In furtherance of the purposes of the Wilderness Act, the following lands, as generally depicted on maps, appropriately referenced, dated July 1980 (except as otherwise dated) are hereby designated as wilderness, and therefore, as components of the National Wilderness Preservation System—

(1) certain lands in the Lassen National Forest, California, which comprise approximately one thousand eight hundred acres, as generally depicted on a map entitled "Caribou Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of the Caribou Wilderness as designated by Public Law 88-577;

(2) certain lands in the Stanislaus and Toiyabe National Forests, California, which comprise approximately one hundred sixty thousand acres, as generally depicted on a map entitled "Carson-Iceberg Wilderness—Proposed", dated July 1984, and which shall be known as the Carson-Iceberg Wilderness: Provided, however, That the designation of the Carson-Iceberg Wilderness shall not preclude continued motorized access to those previously existing facilities which are directly related to permitted livestock grazing activities in the Wolf Creek Drainage on the Toiyabe National Forest in the same manner and degree in which such access was occurring as of the date of enactment of this title;

(3) certain lands in the Shasta Trinity National Forest, California, which comprise approximately seven thousand three hundred acres, as generally depicted on a map entitled "Castle Crags Wilderness—Proposed", and which shall be known as the Castle Crags Wilderness;

(4) certain lands in the Shasta Trinity National Forest, California, which comprise approximately eight thousand two hundred acres, as generally depicted on a map entitled "Chanchelulla Wilderness—Proposed", and which shall be known as the Chanchelulla Wilderness;

(5) certain lands in the Angeles National Forest, California, which comprise approximately four thousand four hundred acres, as generally depicted on a map entitled "Cucamonga Wilderness Additions—Proposed", dated July 1984, and which are hereby incorporated in, and which shall be deemed to be a part of the Cucamonga Wilderness as designated by Public Law 88-577;

(6) certain lands in the Los Padres National Forest, which comprise approximately sixty-four thousand seven hundred acres, as generally depicted on a map entitled "Dick Smith Wilderness—Proposed", dated July 1984, and which shall be known as Dick Smith Wilderness: Provided, That the Act of March 21, 1968 (82 Stat. 51), which established the San Rafael Wilderness is hereby amended to transfer four hundred and thirty acres of the San Rafael Wilderness to the Dick Smith Wilderness and establish a line one hundred feet north of the centerline of the Buckhorn Fire Road as the southeasterly boundary of the San Rafael Wilderness, as depicted on a map entitled "Dick Smith Wilderness—Proposed", and wherever said Buckhorn Fire Road passes between the San Rafael and Dick Smith Wildernesses and elsewhere at the discretion of the Forest Service, it shall be closed to all motorized vehicles except those used by the Forest Service for administrative purposes;

(7) certain lands in the Sierra National Forest, California, which comprise approximately thirty thousand acres, as generally depicted on a map entitled "Dinkey Lakes Wilderness—Proposed", and which shall be known as the "Dinkey Lakes Wilderness: Provided, That within the Dinkey Lakes Wilderness the Secretary of Agriculture shall permit nonmotorized dispersed recreation to continue at a level not less than the level of use which occurred during calendar year 1979;

(8) certain lands in the Sequoia National Forest, California, which comprise approximately thirty-two thousand acres, as generally depicted on a map entitled "Domeland Wilderness Additions—Proposed", dated

March 1983, and which are hereby incorporated in, and which shall be deemed to be a part of the Domeland Wilderness as designated by Public Law 88-577;

(9) certain lands in the Stanislaus National Forest, California, which comprise approximately six thousand one hundred acres, as generally depicted on a map entitled "Emigrant Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of the Emigrant Wilderness as designated by Public Law 93-632;

(10) certain lands in the Tahoe National Forest, California, which comprise approximately twenty-five thousand acres, as generally depicted on a map entitled "Granite Chief Wilderness—Proposed", dated July 1984, and which shall be known as the Granite Chief Wilderness;

(11) certain lands in the Cleveland National Forest, California, which comprise approximately eight thousand acres, as generally depicted on a map entitled "Hauser Wilderness—Proposed"; and which shall be known as the Hauser Wilderness;

(12) certain lands in and adjacent to the Lassen National Forest, California, which comprise approximately forty-one thousand eight hundred forty acres as shown on a map entitled "Ishi Wilderness—Proposed", and which shall be known as the Ishi Wilderness;

(13) certain lands in the Sierra National Forest, California, which comprise approximately eighty-one thousand acres, as generally depicted on a map entitled "John Muir Wilderness Additions, Sierra National Forest—Proposed", dated February 1983, and which are hereby incorporated in, and which shall be deemed to be a part of the John Muir Wilderness as designated by Public Law 88-577: Provided, That the Secretary of Agriculture is authorized to modify the boundaries of the John Muir Wilderness Additions and the Dinkey Lakes Wilderness as designated by this Act in the event he determines that portions of the existing primitive road between the two wilderness areas should be relocated for environmental protection or other reasons. Any relocated wilderness boundary shall be placed no more than three hundred feet from the centerline of any new primitive roadway and shall become effective upon publication of a notice of such relocation in the Federal Register;

(14) certain lands in the Klamath National Forest, California, which comprise approximately twenty-eight thousand acres, as generally depicted on a map entitled "Marble Mountain Wilderness Additions—Proposed", dated July 1984, and which are hereby incorporated in, and shall be deemed to be a part of the Marble Mountain Wilderness as designated by Public Law 88-577;

(15) certain lands in the Sierra and Inyo National Forests, California, which comprise approximately nine thousand acres, as generally depicted on a map entitled "Minarets Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of the Minarets Wilderness as designated by Public Law 88-577: Provided, That the existing Minarets Wilderness and additions thereto designated by this title henceforth shall be known as the Ansel Adams Wilderness;

(16) certain lands in the Eldorado, Stanislaus, and Toiyabe National Forests, California, which comprise approximately fifty-five thousand acres, as generally depicted on a map entitled "Mokelumne Wilderness Additions—Proposed", dated July 1984, and which are hereby incorporated in, and which shall be deemed to be a part of the Mokelumne Wilderness as designated by Public Law 88-577;

(17) certain lands in the Sierra and Sequoia National Forests, California, which comprise approximately forty-five thousand acres, as generally depicted on a map entitled "Monarch Wilderness—Proposed", dated July 1984, and which shall be known as the Monarch Wilderness;

(18) certain lands in the Shasta Trinity National Forest, California, which comprise approximately thirty-seven thousand acres, as generally depicted on a map entitled "Mt. Shasta Wilderness—Proposed", dated July 1984, and which shall be known as Mt. Shasta Wilderness;

(19) certain lands in the Six Rivers National Forest, California, which comprise approximately eight thousand one hundred acres, as generally depicted on a map entitled "North Fork Wilderness—Proposed", and which shall be known as the North Fork Wilderness;

(20) certain lands in the Cleveland National Forest, California, which comprise approximately thirteen thousand one hundred acres, as generally depicted on a map entitled "Pine Creek Wilderness—Proposed", and which shall be known as the Pine Creek Wilderness;

(21) certain lands in the Rogue River National Forest, California, and Oregon, which comprise approximately sixteen thousand five hundred acres, as generally depicted on a map entitled "Red Buttes Wilderness Additions—Proposed", dated July 1984, and which are hereby incorporated in, and which shall be deemed to be a part of the Red Buttes Wilderness as designated by Public Law 98-328;

(22) certain lands in the Klamath National Forest, California, which comprise approximately twelve thousand acres, as generally depicted on a map entitled "Russian Wilderness—Proposed", and which shall be known as the Russian Wilderness;

(23) certain lands in the San Bernardino National Forest, California, which comprise approximately twenty-one thousand five hundred acres, as generally depicted on a map entitled "San Gorgonio Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of the San Gorgonio Wilderness as designated by Public Law 88-577;

(24) certain lands in the San Bernardino National Forest, California, which comprise approximately ten thousand nine hundred acres, as generally depicted on a map entitled "San Jacinto Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of the San Jacinto Wilderness as designated by Public Law 88-577: Provided, however, That the Secretary of Agriculture may pursuant to an application filed within 10 years of the date of enactment of this title, grant a right-of-way for, and authorize construction of, a transmission line or lines within the area depicted as "potential powerline corridor" on the map entitled "San Jacinto Wilderness Additions—Proposed": Provided further, That if a power transmission line is constructed within such corridor, the corridor shall cease to be a part of the San Jacinto Wilderness and the Secretary of Agriculture shall publish notice thereof in the Federal Register;

(25) certain lands in the Sierra and Inyo National Forests and the Devils Postpile National Monument, California, which comprise approximately one hundred and ten thousand acres, as generally depicted on a map entitled "San Joaquin Wilderness—Proposed", and which shall comprise a portion of the Ansel Adams Wilderness established pursuant to subparagraph (a)(15) of this section: Provided, however, That nothing in this title shall be construed to prejudice, alter, or affect in any way, any rights or claims of right to the diversion and use of waters from the North Fork of the San Joaquin River, or in any way to interfere with the construction, maintenance, repair, or operation of a hydroelectric project similar in scope to the Jackass-Chiquito hydroelectric power project (or the Granite Creek-Jackass alternative project) as initially proposed by the Upper San Joaquin River Water and Power Authority: Provided further, That the designation of the San Joaquin Wilderness shall not preclude continued motorized access to those previously existing facilities which are directly related to permitted livestock grazing activities nor operation and maintenance of the existing cabin located in the vicinity of the Heitz Meadow Guard Station within the Ansel Adams Wilderness, in the same manner and degree in which such access and operation and maintenance of such cabin were occurring as of the date of enactment of this title;

(26) certain lands in the Cleveland National Forest, California, which comprise approximately thirty-nine thousand five hundred and forty acres, as generally depicted on a map entitled "San Mateo Canyon Wilderness—Proposed", and which shall be known as the San Mateo Canyon Wilderness;

(27) certain lands in the Los Padres National Forest, California, which comprise approximately two thousand acres, as generally depicted on a map entitled "San Rafael Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of the San Rafael Wilderness as designated by Public Law 90-271;

(28) certain lands in the San Bernardino National Forest, California, which comprise approximately twenty thousand one hundred and sixty acres, as generally depicted on a map entitled "Santa Rosa Wilderness—Proposed", and which shall be known as the Santa Rosa Wilderness;

(29) certain lands in the Angeles and San Bernardino National Forests, California, which comprise approximately forty-three thousand six hundred acres, as generally depicted on a map entitled "Sheep Mountain Wilderness—Proposed", dated July 1984, and which shall be known as Sheep Mountain Wilderness;

(30) certain lands in the Six Rivers, Klamath, and Siskiyou National Forests, California, which comprise approximately one hundred fifty-three thousand acres, as generally depicted on a map entitled "Siskiyou Wilderness—Proposed", dated July 1984, and which shall be known as the Siskiyou Wilderness;

(31) certain lands in the Mendocino National Forest, California, which comprise approximately thirty-seven thousand acres, as generally depicted on a map entitled "Snow Mountain Wilderness—Proposed", and which shall be known as Snow Mountain Wilderness;

(32) certain lands in the Sequoia and Inyo National Forests, California, which comprise approximately sixty-three thousand acres, as generally depicted on a map enti-

tled "South Sierra Wilderness—Proposed", dated July 1984, and which shall be known as the South Sierra Wilderness;

(33) certain lands in the Modoc National Forest, California, which comprise approximately one thousand nine hundred and forty acres, as generally depicted on a map entitled "South Warner Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of the South Warner Wilderness as designated by Public Law 88-577;

(34) certain lands in and adjacent to the Klamath, Shasta Trinity and Six Rivers National Forests, California, which comprise approximately five hundred thousand acres, as generally depicted on a map entitled "Trinity Alps Wilderness—Proposed", dated July 1984, and which shall be known as the Trinity Alps Wilderness;

(35) certain lands in the Los Padres National Forest, California, which comprise approximately two thousand seven hundred and fifty acres, as generally depicted on a map entitled "Ventana Wilderness Additions—Proposed", and which are hereby incorporated in, and shall be deemed to be a part of the Ventana Wilderness as designated by Public Laws 91-58 and 95-237;

(36) certain lands in and adjacent to the Six Rivers and Mendocino National Forests, California, which comprise approximately forty-two thousand acres, as generally depicted on a map entitled "Yolla-Bolly Middle Eel Additions—Proposed", dated July 1984, and which are hereby incorporated in, and which shall be deemed to be a part of the Yolla-Bolly Middle Eel Wilderness as designated by Public Law 88-577.

(37) certain lands in the Plumas National Forest, California, which comprise approximately twenty-one thousand acres, as generally depicted on a map entitled "Bucks Lake Wilderness—Proposed", dated March 1983, and which shall be known as the Bucks Lake Wilderness;

(38) certain lands in and adjacent to the Los Padres National Forest, California, which comprise approximately twenty thousand acres, as generally depicted on a map entitled "Machesna Mountain Wilderness—Proposed", dated March 1983, and which shall be known as the Machesna Mountain Wilderness; and

(39) certain lands in the Sequoia National Forest, which comprise approximately ten thousand five hundred acres, as generally depicted on a map entitled "Jennie Lakes Wilderness—Proposed", dated March 1983, and which shall be known as the Jennie Lakes Wilderness.

(b) The previous classifications of the High Sierra Primitive Area, Emigrant Basin Primitive Area, and the Salmon-Trinity Alps Primitive Area are hereby abolished.

DESIGNATION OF PLANNING AREAS

SEC. 102. (a) In furtherance of the purposes of the Wilderness Act, the following lands shall be reviewed by the Secretary of Agriculture as to their suitability for preservation as wilderness. The Secretary shall submit his report and findings to the President, and the President shall submit his recommendations to the United States House of Representatives and the United States Senate no later than three years from the date of enactment of this title:

(1) certain lands in the Stanislaus and Toiyabe National Forests, California, which comprise approximately thirty thousand acres, as generally depicted on a map entitled "Carson-Iceberg Planning Area", dated July 1984, and which shall be known as the Carson-Iceberg Planning Area;

(2) certain lands in the Toiyabe National Forest, California, which comprise approximately forty-nine thousand two hundred acres as generally depicted on a map entitled "Hoover Wilderness Additions Planning Area", dated July 1984, and which shall be known as the Hoover Wilderness Additions Planning Area; and

(3) certain lands in the San Bernardino National Forest, California, which comprise approximately seventeen thousand acres, as generally depicted on a map entitled "Pyramid Peak Planning Area", dated July 1984, and which shall be known as the Pyramid Peak Planning Area.

(b) Subject to valid existing rights, the planning areas designated by this section shall for a period of four years from the date of enactment of this title, be administered by the Secretary of Agriculture so as to maintain their presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System.

ADMINISTRATION OF WILDERNESS AREAS

SEC. 103. (a) Subject to valid existing rights, each wilderness area designated by this title shall be administered by the Secretary concerned in accordance with the provisions of the Wilderness Act: Provided, That any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this title.

(b) Within the National Forest wilderness areas designated by this title—

(1) as provided in subsection 4(d)(4)(2) of the Wilderness Act, the grazing of livestock, where established prior to the date of enactment of this title, shall be permitted to continue subject to such reasonable regulations, policies and practices as the Secretary deems necessary, as long as such regulations, policies and practices fully conform with and implement the intent of Congress regarding grazing in such areas as such intent is expressed in the Wilderness Act and this title;

(2) as provided in subsection 4(d)(1) of the Wilderness Act, the Secretary concerned may take such measures as are necessary in the control of fire, insects, and diseases, subject to such conditions as he deems desirable; and

(3) as provided in section 4(b) of the Wilderness Act, the Secretary concerned shall administer such areas so as to preserve their wilderness character and to devote them to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use.

(c) Within sixty days of the date of enactment of this title, The Secretary of Agriculture shall enter into negotiations to acquire by exchange all or part of any privately owned lands within the national forest wilderness areas designated by this title. Such exchange shall to the maximum extent practicable be completed within three years after the date of enactment of this title. The Secretary is authorized to acquire such lands by means other than exchange, beginning three years after the date of enactment of this title. Acquisition shall be only with the concurrence of the owner. Values shall be determined without reference to any restrictions on access or use which arise out of designation as a wilderness area.

FILING OF MAPS AND DESCRIPTIONS

"SEC. 104. As soon as practicable after enactment of this title, a map and a legal description on each wilderness area shall be filed with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the House of Representatives, and each such map and description shall have the same force and effect as if included in this title: Provided, That correction of clerical and typographical errors in each such legal description and map may be made. Each such map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

ADDITIONS TO NATIONAL PARK SYSTEM

SEC. 105. (a) The following lands are hereby added to the National Park System:

(1) certain lands in the Sequoia National Forest, California, which comprise approximately one thousand five hundred acres, as generally depicted on a map entitled "Jennie Lakes Additions, Kings Canyon National Park—Proposed", dated March 1983, and which are hereby incorporated in, and which shall be deemed to be a part of Kings Canyon National Park; and

(2) certain lands which comprise approximately one hundred eighty-five acres, as generally depicted on a map entitled "McCauley Ranch Addition, Yosemite National Park", dated December 1982 and numbered 80,021, and which are hereby incorporated in, and which shall be deemed to be a part of Yosemite National Park.

(b) Upon enactment of this title, the Secretary of Agriculture shall transfer the lands described in subsection (a) of this section, without consideration, to the administrative jurisdiction of the Secretary of the Interior for administration as part of the national park system. The boundaries of the national forests and national parks shall be adjusted accordingly. The areas added to the national park system by this section shall be administered in accordance with the provisions of law generally applicable to units of the national park system.

(c) The Secretary of the Interior shall study the lands added to the National Park System by subsection (a) of this section for possible designation as national park wilderness, and shall report to the Congress his recommendations as to the suitability or nonsuitability of the designation of such lands as wilderness by not later than three years after the effective date of this title.

(d) The Secretary of Agriculture is authorized and directed to transfer to the jurisdiction of the Secretary of the Interior for administration as a part of Yosemite National Park, two hundred and fifty-three acres of the Stanislaus National Forest at Crocker Ridge, identified as all that land lying easterly of a line beginning at the existing park boundary and running three hundred feet west of and parallel to the center line of the park road designated as State Highway 120, also known as the New Big Oak Flat Road, within section 34, township 1 south, range 19 east, and within sections 4, 9, and 10, township 2 south, range 19 east, Mount Diablo base and meridian. The boundary of Yosemite National Park and the Stanislaus National Forest shall be adjusted accordingly.

(e) The Secretary of the Interior is authorized and directed to transfer to the jurisdiction of the Secretary of Agriculture one hundred and sixty acres within the boundary of the Sierra National Forest identified as the northwest quarter of section 16, township 5 south, range 22 east, Mount Diablo base meridian, subject to the right of the Secretary of the Interior to the use of the water there-

on for park purposes, including the right of access to facilities necessary for the transportation of water to the park.

NATIONAL PARK WILDERNESS

SEC. 106. The following lands are hereby designated as wilderness in accordance with section 3(c) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132(c)) and shall be administered by the Secretary of the Interior in accordance with the applicable provisions of the Wilderness Act.

(1) Yosemite National Park Wilderness, comprising approximately six hundred and seventy-seven thousand six hundred acres, and potential wilderness additions comprising approximately three thousand five hundred and fifty acres, as generally depicted on a map entitled "Wilderness Plan, Yosemite National Park, California", numbered 104-20, 003-E dated July 1980, and shall be known as the Yosemite Wilderness;

(2) Sequoia and Kings Canyon National Parks Wilderness, comprising approximately seven hundred and thirty-six thousand nine hundred and eighty acres; and potential wilderness additions comprising approximately one hundred acres, as generally depicted on a map entitled "Wilderness Plan—Sequoia-Kings Canyon National Parks—California", numbered 102-20, 003-E and dated July 1980, and shall be known as the Sequoia-Kings Canyon Wilderness.

MAP AND DESCRIPTION

SEC. 107. A map and description of the boundaries of the areas designated in section 106 of this title shall be on file and available for public inspection in the Office of the Director of the National Park Service, Department of the Interior, and in the Office of the Superintendent of each area designated in section 106. As soon as practicable after this title takes effect, maps of the wilderness areas and descriptions of their boundaries shall be filed with the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, and such maps and description shall have the same force and effect as if included in this title: Provided, That correction of clerical and typographical errors in such maps and descriptions may be made.

CESSATION OF CERTAIN USES

SEC. 108. Any lands (in section 106 of this title) which represent potential wilderness additions upon publication in the Federal Register of a notice by the Secretary of the Interior that all uses thereon prohibited by the Wilderness Act have ceased, shall thereby be designated wilderness. Lands designated as potential wilderness additions shall be managed by the Secretary insofar as practicable as wilderness until such time as said lands are designated as wilderness.

ADMINISTRATION

SEC. 109. The areas designated by section 106 of this title as wilderness shall be administered by the Secretary of the Interior in accordance with the applicable provisions of the Wilderness Act governing areas designated by that title as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this title, and where appropriate, any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

SEC. 110. Notwithstanding any existing or future administrative designation or recommendation, mineral prospecting, exploration, development, or mining of cobalt and associated minerals undertaken under the United States mining laws within the North Fork Smith roadless area (RARE II, 5-707, Six Rivers National Forest, California) shall be subject to only such Federal laws and regulations as are generally applicable to national forest lands designated as nonwilderness.

WILDERNESS REVIEW CONCERNS

SEC. 111. (a) The Congress finds that—

(1) the Department of Agriculture has completed the second roadless area review and evaluation program (RARE II); and

(2) the Congress had made its own review and examination of national forest roadless areas in California and the environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress hereby determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II final environmental statement (dated January 1979) with respect to national forest lands in States other than California, such statement shall not be subject to judicial review with respect to National Forest System lands in the State of California;

(2) upon enactment of this title, the injunction issued by the United States District Court for the Eastern District of California in State of California versus Bergland (483 F. Supp. 465 (1980)) shall no longer be in force;

(3) with respect to the National Forest System lands in the State of California which were reviewed by the Department of Agriculture in the second roadless area review and evaluation (RARE II), and those lands referred to in subsection (d), except those lands remaining in further planning as referred to in subsection (e), or designated as planning areas upon enactment of this title, that review and evaluation shall be deemed for the purposes of the initial land management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revisions of the plans but shall review the wilderness option when the plans are revised, which revisions will ordinarily occur on a ten-year cycle, or at least every fifteen years, unless prior to such time the Secretary of Agriculture finds that conditions in a unit have significantly changed;

(4) areas in the State of California reviewed in such final environmental statement or referenced in subsection (d) and not designated as wilderness or planning areas by this title or remaining in further planning as referenced in subsection (e) upon enactment of this title shall be managed for multiple use in accordance with land management plans pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976: Provided, That such areas need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of the land management plans;

(5) in the event that revised land management plans in the State of California are implemented pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law, areas not recommended for wilderness designation need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of such plans, and areas recommended for wilderness designation shall be managed for the purpose of protecting their suitability for wilderness designation as may be required by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law; and

(6) unless expressly authorized by Congress, the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of National Forest System lands in the State of California for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

(c) As used in this section, and as provided in section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, the term "revision" shall not include an "amendment" to a plan.

(d) The provisions of this section shall also apply to—

(1) those national forest system roadless lands in the State of California: in the Plumas and Tahoe National Forests which were evaluated in the Mohawk Unit Plan; in the Six Rivers National Forest which were evaluated in the Blue Creek Unit Plan not designated as Wilderness by this title and the Fox Unit Plan; in the Klammath National Forest which were evaluated in the King Unit Plan; in the Angeles National Forest which were evaluated in the San Gabriel Unit Plan; in the Modoc and Shasta-Trinity and Klammath National Forests in the Medicine Lake Unit Plan; in the Cleveland National Forest which were evaluated in the Palomar Mountain Unit Plan and Trabuco Unit Plan; in the Los Padres National Forest which were evaluated in the Big Sur Unit Plan; in the Tahoe National Forest which were evaluated in the Truckee-Little Truckee Unit Plan; and those portions of the Carson-Iceberg roadless area not designated as wilderness or planning areas or remaining in further planning as referenced in subsection (e);

(2) national forest system roadless lands in the State of California which are less than five thousand acres in size; and

(3) national forest system roadless areas or portions thereof in the State of California as identified in Executive Document Numbered 1504 Ninety-sixth Congress (House Document Numbered 96-119) and identified by name and number at the end of this subparagraph, which are not designated as wilderness by this title:

National Forest	Area name	Area I.D.
Eldorado	Pyramid	05023
Eldorado	Rubicon	05026
Eldorado	Dardanelles	05982
Eldorado	Tragedy-Elephants Back	05984
Eldorado	Raymond Peak	05985
Klamath	Orleans Mountain	B5079
Klamath	Condrey Mountain	05704

Lake Tahoe Basin M.U.	Dardanelles	05982
Lassen	Lost Creek	05089
Lassen	Polk Springs	05097
Lassen	Chips Creek	05099
Los Padres	Machesna Mountain	05110
Los Padres	Miranda Pine	05114
Los Padres	Tepusquet Peak	05116
Los Padres	Spoor Canyon	05118
Los Padres	Fox Mountain	05120
Los Padres	Cuyama	05135
Mendocino	Wilderness Contiguous	05137
Mendocino	Elk Creek	05140
Mendocino	Big Butte-Shinbone	05145
Mendocino	Black Butte	05269
Plumas	Chips Creek	05099
Plumas	Middle Fork	05167
Plumas	Bald Rock	05169
Plumas	West Yuba	05172
Rogue River	Condrey Mountain	06704
Sequoia	Agnew	05199
Sequoia	Woodpecker	05206
Sequoia	Domeland addition	05207
Shasta-Trinity	Chanchelulla	05220
Shasta-Trinity	East Fork	05226
Shasta-Trinity	Murphy Glade	05298
Shasta-Trinity	Fisher Gulch	A5299
Sierra	Mount Raymond	05242
Sierra	Dinkey Lakes	05244
Sierra	Rancheria	C5198
Six Rivers	Orleans Mountain	B5079
Six Rivers	North Fork Smith	05707
Stanislaus	Tuolumne River	05258
Stanislaus	Raymond Peak	05985
Tahoe	West Yuba	05172
Tahoe	North Fork American	05262
Tahoe	East Yuba	05264
Toiyabe	Dardanelles	04982
Toiyabe	Tragedy-Elephants Back	04984
Toiyabe	Raymond Peak	04985
Tahoe	Granite Chief	05261
Angeles	Pleasant View	F5008
Shasta-Trinity	Castle Crags	B5219
Shasta-Trinity	Mt. Shasta	C5213
Lake Tahoe Basin M.U.	Pyramid	O5023

(e) Certain National Forest System roadless lands in the State of California as identified in Executive Document Numbered 1504 Ninety-Sixth Congress (House Document Numbered 96-119) and identified by name and number at the end of this subsection, shall remain as further planning areas for purposes of this title:

National Forest	Area name	Area I.D.
Angeles	Sespe-Frazier	05002
Angeles	Arroyo Seco	05012
Cleveland	Sill Hill	05304
Cleveland	Caliente	05017
Eldorado	Caples Creek	05027
Inyo	White Mountains	A5058
Inyo	White Mountains	B5058
Inyo	Coyote-Southeast	05033
Inyo	Table Mountain	05035
Inyo	Mazourka	A5064
Inyo	Wheeler Ridge	05040
Inyo	Horse Meadow	05049
Inyo	Tioga Lake	05050
Inyo	Hall Natural Area	05051
Inyo	Log Cabin Saddlebag	05052
Inyo	Benton Range	05056
Inyo	Blanco Mountain	05059
Inyo	Birch Creek	05060
Inyo	Black Canyon	05061
Inyo	Andrews Mountain	05063
Inyo	Paiute	B5064
Inyo	Laurel-McGee	05045
Inyo	Buttermilk	05038
Lake Tahoe Basin M.U.	Freel	05271
Lassen	Wild Cattle Mountain	05093
Lassen	Butt Mountain	05100
Lassen	Trail Lake	B5095
Lassen	Heart Lake	05096
Lassen	Ishi	B5098
Los Padres	Antimony	05136
Los Padres	Bear Canyon	05104
Los Padres	Bear Mountain	05103
Los Padres	Big Rocks	05112
Los Padres	Black Butte	05102
Los Padres	Black Mountain	05108
Los Padres	Diablo	05127
Los Padres	Dry Lakes	05131
Los Padres	Horseshoe Springs	05115
Los Padres	La Brea	05117
Los Padres	La Panza	05109
Los Padres	Little Pine	05278
Los Padres	Los Machos Hills	05111
Los Padres	Machesna Mountain	05110
Los Padres	Matilija	05129
Los Padres	Quatal	05268
Los Padres	Sawmill-Badlands	05134
Los Padres	Sespe-Frazier	05002
Los Padres	Stanley Mountain	05113
San Bernardino	Sugarloaf	05186
San Bernardino	Raywood Flat	B5187
San Bernardino	Cucamonga B	B5174
San Bernardino	Cucamonga C	C5174
Sequoia	Dennison Peak	05202
Sequoia	Kings River	B5198
Sequoia	Oat Mountain	05197
Sequoia	Moses	05203
Sequoia	Scodies	05212
Sequoia	Cypress	A5213
Shasta-Trinity	Mt. Eddy	05229
Sierra	Kings River	B5198
Stanislaus	Carson-Iceberg (Pacific Valley portion)	B5986
Toiyabe	Sweetwater	04657
Toiyabe	Hoover Extension	E4662
Lassen	Mill Creek	O5284
Los Padres	Garcia Mountain	O5107

SEVERABILITY

SEC. 112. If any provision of this title or the application thereof is held invalid, the remainder of the title and the application thereof shall not be affected thereby.

SEC. 113. For fiscal years commencing after September 30, 1985, there are authorized to be appropriated such sums as may be necessary to implement the provisions of this title.

TITLE II

DESIGNATION WILD AND SCENIC RIVER

SEC. 201. Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1271-1287) as amended is further amended by inserting the following new paragraph:

"( ) TUOLUMNE, CALIFORNIA.—The main river from its sources on Mount Dana and Mount Lyell in Yosemite National Park to Don Pedro Reservoir consisting of approximately 83 miles as generally depicted on the proposed boundary map entitled 'Alternative A' contained in the Draft Tuolumne Wild and Scenic River Study and Environmental Impact Statement published by the United States Department of the Interior and Department of Agriculture in May 1979; to be administered by the Secretary of the Interior and the Secretary of Agriculture. After consultation with State and local governments and the interested public and within two years from the date of enactment of this paragraph, the Secretary shall take such action as is required under subsection (b) of this section. Nothing in this Act shall preclude the licensing, development, operation, or maintenance of water resources facilities on those portions of the North Fork, Middle Fork, or South Fork of the Tuolumne or Clavey Rivers that are outside the boundary of the wild and scenic river area as designated in this section. Nothing in this section is intended or shall be construed to affect any rights, obligations, privileges, or benefits granted under any prior authority of law including chapter 4 of the Act of December 19, 1913, commonly referred to as the Raker Act (38 Stat. 242) and including any agreement or administrative ruling entered into or made effective before the enactment of this paragraph. For fiscal years commencing after September 30, 1985, there are authorized to be appropriated such sums as may be necessary to implement the provisions of this subsection.".

TITLE III

ESTABLISHMENT OF NATIONAL FOREST SCENIC AREA

SEC. 301. The area in the Mono Basin within and adjacent to the Inyo National Forest in the State of California, as generally depicted on a map entitled "Mono Basin National Forest Scenic Area" dated June 1983, and numbered 1983-3, is hereby designated as the Mono Basin National Forest Scenic Area (hereafter in this title referred to as the "Scenic Area"). Such map shall be on file and available for public inspection in the office of the Forest Supervisor, Inyo National Forest and in the office of the Chief of the Forest Service, Department of Agriculture. The Secretary of Agriculture (hereinafter in this title referred to as the "Secretary") may make minor revisions in the boundary of the Scenic Area after publication of notice to that effect in the Federal Register and submission of notice thereof to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. Such notice shall be published and submitted at least sixty days before the revision is made.

EXTENSION OF NATIONAL FOREST BOUNDARY

SEC. 302. (a) The exterior boundary of the Inyo National Forest is hereby extended to include the area within the boundary of the Scenic Area. Any lands and interests therein acquired pursuant to section 303 shall become part of the National Forest System.

(b) For the purposes of section 7(a)(1) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C. 4601-4 through 4601-11), the boundary of the Inyo National Forest, as modified by this section, shall be treated as if it were the boundary of that forest on January 1, 1964.

ACQUISITION

SEC. 303. (a) The Secretary is authorized to acquire all lands and interests therein within the boundary of the Scenic Area by donation, exchange in accordance with this title or other provisions of law, or purchase with donated or appropriated funds, except that—

(1) any lands or interests therein within the boundary of the Scenic Area which are owned by the State of California or any political subdivision thereof (including the city of Los Angeles) may be acquired only by donation or exchange; and

(2) lands or interests therein within the boundary of the Scenic Area which are not owned by the State of California or any political subdivision thereof (including the city of Los Angeles) may be acquired only with the consent of the owner thereof unless the Secretary determines, after written notice to the owner and after opportunity

for comment, that the property is being developed, or proposed to be developed, in a manner which is detrimental to the integrity of the Scenic Area or which is otherwise incompatible with the purposes of this title.

(b)(1) Not later than six months after the date of enactment of this title, the Secretary shall publish specific guidelines under which determinations shall be made under paragraph (2) of subsection (a). No use which existed prior to June 1, 1984, within the area included in the Scenic Area shall be treated under such guidelines as a detrimental or incompatible use within the meaning of such paragraph (2).

(2) For purposes of subsection (a)(2), any development or proposed development of private property within the boundary of the Scenic Area that is significantly different from, or a significant expansion of, development existing as of June 1, 1984, shall be considered by the Secretary as detrimental to the integrity of the Scenic Area. No reconstruction or expansion of a private or commercial building, including—

(A) reconstruction of an existing building,

(B) construction of attached structural additions, not to exceed 100 per centum of the square footage of the origin building, and

(C) construction of reasonable support development such as roads, parking, water and sewage systems shall be treated as detrimental to the integrity of the Scenic Area or as an incompatible development within the meaning of paragraph (2) of subsection (a).

(c) Notwithstanding any other provision of law, the Secretary shall only be required to prepare an environmental assessment of any exchange of mineral or geothermal interest authorized by this title.

ADMINISTRATION

SEC. 304. (a)(1) Except as otherwise provided in this title, the Secretary, acting through the Chief of the Forest Service, shall administer the Scenic Area as a separate unit within the boundary of the Inyo National Forest in accordance with the laws, rules, and regulations applicable to the national forest system. All Bureau of Land Management administered lands that fall within the boundaries of the Scenic Area are hereby added to the Inyo National Forest and shall be administered in accordance with the laws, rules, and regulations applicable to the national forest system.

(2) In addition, the following parcels administered by the Bureau of Land Management are hereby added to the Inyo National Forest and shall be administered in accordance with the laws, rules, and regulations applicable to the National Forest System:

township 1 south; range 26 east; Mount Diablo Meridian:

east half of southwest quarter and south half of southeast quarter of section 10; and

township 1 north; range 26 east; Mount Diablo Meridian:

southwest quarter of northeast quarter and west half or southeast quarter of section 9;

southwest quarter of southwest quarter of section 15;

southwest quarter of northwest quarter and northwest quarter of southwest quarter of section 25;

north half of southeast quarter of section 26,

west half of northwest quarter and northwest quarter of southwest quarter of section 27;

township 1 north; range 27 east; Mount Diablo Meridian:

east half of southeast quarter of section 34;

southwest quarter of northwest quarter of section 35; and

west half of section 30 as intersected by Scenic Area Boundary.

(b)(1) In a manner consistent with the protection of the water rights of the State of California or any political subdivision thereof (including the city of Los Angeles) or of any person to the extent that such water rights have been granted or modified under the laws of the State of California, the Secretary shall manage the Scenic Area to protect its geologic, ecologic, and cultural resources. The Secretary shall provide for recreational use of the Scenic Area and shall provide recreational and interpretive facilities (including trails and campgrounds) for the use of the public which are compatible with the provisions of this title, and may assist adjacent affected local governmental agencies in the development of related interpretive programs. The Secretary shall permit the full use of the Scenic Area for scientific study and research in accordance with such rules and regulations as he may prescribe.

(2) Except as specifically provided in this subsection, no commercial timber harvesting shall be permitted in the Scenic Area, but the Secretary shall permit the utilization of wood material such as firewood, posts, poles, and Christmas trees by individuals for their domestic purposes under such regulations as he may prescribe to protect the natural and cultural resources of the Scenic Area. The Secretary may take action including the use of commercial timber harvest to the minimum extent necessary to control fires, insects and diseases that might—

(A) endanger irreplaceable features within the Scenic Area, or

(B) cause substantial damage to significant resources adjacent to the Scenic Area.

(c) The Secretary shall permit those persons holding currently valid grazing permits within the boundary of the Scenic Area to continue to exercise such permits consistent with other applicable law.

(d) The Secretary may enter into cooperative agreements with the State of California and any political subdivision thereof (including the city of Los Angeles) for purposes of protecting Scenic Area resources and administering areas owned by the State or by any such political subdivision which are within the Scenic Area.

(e) Within three years after the date of enactment of this title, the Secretary shall submit to the committees referred to in section 301, a detailed and comprehensive management plan for the Scenic Area which is consistent with the protection of water rights as provided in subsection (b)(1). The plan shall include but not be limited to—

(1) an inventory of natural (including geologic) and cultural resources;

(2) general development plans for public use facilities, including cost estimates; and

(3) measures for the preservation of the natural and cultural resources of the Scenic Area in accordance with subsections (a) and (b) of this section.

Such plan shall provide for hunting and fishing (including commercial brine shrimp operations authorized under State law) within the Scenic Area in accordance with applicable Federal and State law, except to the extent otherwise necessary for reasons of public health and safety, the protection of resources, scientific research activities, or public use and enjoyment.

(f) The Secretary is authorized to construct a visitor center in the Scenic Area for the purpose of providing information through appropriate displays, printed material, and other interpretive programs, about the natural and cultural resources of the Scenic Area.

(g)(1) Subject to valid existing rights, federally owned lands and interests therein within the Scenic Area are withdrawn from entry or appropriation under the mining laws of the United States, from the operation of the mineral leasing laws of the United States, from operation of the Geothermal Steam Act of 1970, and from disposition under the public land laws.

(2) Subject to valid existing rights, all mining claims located within the Scenic Area shall be subject to such reasonable regulations as the Secretary may prescribe to assure that mining will, to the maximum extent practicable, be consistent with protection of the scenic, scientific, cultural, and other resources of the area, and any patent which may be issued after the date of enactment of this title shall convey title only to the minerals together with the right to use the surface of lands for mining purposes subject to such reasonable regulations.

(h) Nothing in this title shall be construed to reserve any water for purposes of the Scenic Area or to affirm, deny, or otherwise affect the present (or prospective) water rights of any person or of the State of California or of any political subdivision thereof (including the city of Los Angeles), nor shall any provision of this title be construed to cause, authorize, or allow any interference with or infringement of such water rights so long as, and to the extent that, those rights remain valid and enforceable under the laws of the State of California.

(i)(1) The Act entitled "An Act authorizing and directing the Secretary of the Interior to sell to the city of Los Angeles, California, certain public lands in California; and granting rights-of-way over public lands and reserved lands to the city of Los Angeles in Mono County in the State of California", approved June 23, 1936 (49 Stat. 1892), is hereby repealed.

(2) The Secretary and the Secretary of the Interior shall grant and convey rights-of-way easements, at no cost, to the city of Los Angeles for those rights-of-way on public lands and national forest lands in Mono County, California, as described and set forth in maps and accompanying descriptions which were—

(A) filed by the city of Los Angeles with the Secretary of the Interior on October 24, 1944, and

(B) accepted as proof of construction on behalf of the United States by the Commissioner of the General Land Office on January 4, 1945.

Such easement conveyances shall provide for the right of the city to continue its present operations and to maintain, reconstruct, and replace all existing water and power facilities located within the bounds of the area described in the maps and descriptions referred to in the preceding sentence. The United States shall reserve in the conveyance easements all rights to use and permit the use by others of the lands so conveyed to the extent that such use does not unreasonably interfere with the rights granted herein to the city of Los Angeles.

(3) The grant in paragraph (2) of this subsection shall become effective upon relinquishment in writing by the city of Los Angeles of its applications dated October 20, 1944, and January 17, 1945, to purchase

twenty-three thousand eight hundred and fifty acres of Federal land.

(4) The easements granted under paragraph (2) of this subsection shall provide that whenever the city of Los Angeles ceases to use the land or any part thereof subject to such easements for the purposes for which it is currently being used, as of the date of enactment of this title, all interests in such land or part thereof shall revert to the United States.

(j) Existing community recreational uses, as of the date of enactment of this title, shall be permitted at the levels and locations customarily exercised.

STUDIES

SEC. 305. The Secretary shall take such steps as may be necessary to, within one hundred and eighty days of the date of enactment of this title, enter into a contract with the National Academy of Sciences for the purpose of conducting a scientific study of the ecology of the Scenic Area. The study shall provide for consultation with knowledgeable local, State, Federal, and private persons and organizations and shall provide findings and recommendations to the Congress. Such study shall be conducted in accordance with the best scientific methodology (as set forth by the National Academy of Sciences) and shall be transmitted by the National Academy of Sciences to the Committee on Energy and Natural Resources of the United States Senate, to the Committee on Interior and Insular Affairs of the United States House of Representatives, and to the Chief of the Forest Service not later than January 1, 1987. Progress reports regarding the study shall be transmitted to the above committees on January 1, 1985, and January 1 of each year thereafter.

ADVISORY BOARD

SEC. 306. (a) There is hereby established the Scenic Area Advisory Board (hereinafter referred to as the "Board"). The Secretary shall consult with and seek the advice and recommendations of the Board with respect to—

(1) the administration of the Scenic Area with respect to policies, programs, and activities in accordance with this title;

(2) the preparation and implementation of the comprehensive management plan; and

(3) the location of the visitor center authorized by section 304(f).

(b) The Board shall be composed of nine members, who shall be selected as follows:

(1) five members appointed by the Mono County Board of Supervisors;

(2) two members appointed by the Governor of California (one of whom shall be an employee of the California Division of Parks and Recreation);

(3) one member appointed by the mayor of the city of Los Angeles; and

(4) one member appointed by the Secretary (who shall be an employee of the Forest Service).

(c) Each member of the Board shall be appointed to serve for a term of three years except that the initial appointments shall be for terms as follows:

(1) of those members appointed by the Mono County Board of Supervisors one shall be appointed to serve for a term of one year, two shall be for a term of two years, and two shall be for a term of three years;

(2) of those members appointed by the Governor of California one shall be appointed to serve for a term of one year and one shall be appointed to serve for a term of three years; and

(3) the member appointed by the mayor of the city of Los Angeles shall be appointed to serve for a term of two years; and

(4) the member appointed by the Secretary shall be appointed to serve for a term of three years.

(d) The members of the Board shall be appointed within ninety days of the date of enactment of this title. The members of the Board shall, at their first meeting, elect a chairman.

(e) The Secretary, or a designee, shall from time to time, but at least annually, meet and consult with the Board on matters relating to the administration of the scenic area.

(f) Members of the Board shall serve without compensation as such, but the Secretary is authorized to pay, upon vouchers signed by the Chairman, the expenses reasonably incurred by the Board and its members in carrying out their duties under this title.

(g) Any vacancy in the Board shall be filled in the same manner in which the original appointment was made.

(h) A majority of those members appointed shall constitute a quorum for the conduct of all business of the Board.

(i) The Board shall terminate ten years from the date of its first meeting.

TRADITIONAL NATIVE AMERICAN USES

SEC. 307. In recognition of the past use of the Scenic Area by Indian people for traditional cultural and religious purposes, the Secretary shall insure nonexclusive access to Scenic Area lands by Indian people for such traditional cultural and religious purposes, including the harvest of the brine fly larvae. Such direction shall be consistent with the purpose and intent of the American Indian Religious Freedom Act of August 11, 1978 (92 Stat. 469). As a part of the plan prepared pursuant to section 304(c) of this title, the Secretary shall, in consultation with appropriate Indian tribes, define the past cultural and religious uses of the Scenic Area by Indians.

AUTHORIZATION OF APPROPRIATIONS

SEC. 308. In addition to other amounts available for such purposes, effective October 1, 1985, there are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

COMPLIANCE WITH BUDGET ACT

SEC. 309. Any new spending authority described in subsection (c)(2) (A) or (B) of section 401 of the Congressional Budget Act of 1974 which is provided under this title shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

Amend the title so as to read: "An Act entitled the 'California Wilderness Act of 1984'.".

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

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Arizona [Mr. UDALL] will be recognized for 1 hour.

Mr. UDALL. Mr. Speaker, I yield 30 minutes to the gentleman from Alaska [Mr. YOUNG], for purposes of debate only, and reserve 30 minutes of my time. I wish to announce that all of the time I shall yield today is for the purpose of debate only.

GENERAL LEAVE

Mr. UDALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and to extend their remarks on the bill presently being considered.

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

There was no objection.

Mr. UDALL. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, let me take 2 or 3 minutes to say that there are some good things about this country of ours. Two of them are the National Park System which was started back in 1872 with Yellowstone and from time to time we have added crown jewels like Yosemite and Grand Canyon and all of the rest of it.

The second thing that I think is very special about our country is its wilderness system. Both of these are uniquely American ideas, the idea that we would set aside a portion of our natural heritage for future generations.

Last week we celebrated the 20th anniversary of the signing by President Lyndon Johnson of the Wilderness Act of 1964. In that act we instructed the Forest Service to inventory the lands it controls in this country and to come up with recommendations by 1974 for wilderness or for other uses. We are now in the process 10 years later, of sorting out the recommendations of the Forest Service, and this action today is an important part of that process.

We put in 9 million acres in the original bill. Today we are asking for a big chunk of 1.8 million acres in California.

□ 1420

The scoreboard shows that we had New Mexico and Colorado action back as far as 1980, partial action. We have already completed our work in Arizona, Washington, Oregon, New Hampshire, Vermont, North Carolina, Wisconsin, and Missouri. There are pending before the House in addition to this bill today bills for Utah, Florida, Wyoming, and Arkansas. There are several bills passed by the House and now before the Senate for Mississippi, Virginia, Texas, Tennessee, Pennsylvania, and Georgia.

We are hoping maybe we can get additional action this year in the States of Idaho, Alabama, and Montana.

Let me point out that the total acreage in the wilderness system today is 83.5 million acres. This is approximately 4 percent of the total acreage in America. However, 56.6 million is in Alaska and 27 million in the lower 48. This is 1 percent, just over 1 percent of all the land in the lower 48 States will be in wilderness when we have completed our action today.

It will probably come out at 2 percent, maybe, the highest figure, when we have completed action on all of the States.

I do not think anyone can quarrel with the idea that we can set aside 2 percent of this great land of ours for wilderness, particularly when it acts as a water supply for us, it helps clean the air, and gives inspiration to countless millions of Americans.

I strongly commend the work that has been done by the California delegation in bringing this legislation to this point today. This is a compromise piece of legislation but it is a good compromise.

Mr. Speaker, it is supported by nearly all of the conservation groups; it is supported by the great majority of the California delegation and both of the Senators from that State. So, Mr. Speaker, I ask for favorable action on the motion before us. We will strike a good blow for conservation and for future generations.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Alaska.

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

Mr. Speaker, I rise in opposition to the California wilderness bill.

We have completed action on seven statewide bills totaling over 3 million acres in Oregon, Washington, Arizona, New Hampshire, Vermont, North Carolina, and Wisconsin. Today, we are scheduled to consider and possibly send to the President bills for Florida and California which will bring the total to over 5 million acres.

In our rush to pass these bills, I hope the Members do not lose sight of two things. One, there is a well-organized effort underway to lock up massive amounts of public land which will cripple many of our natural resource dependent industries.

They are a small but vocal group which I do not believe represent the majority of Americans.

The State-by-State approach to handling wilderness bills is a "divide and conquer" tactic which tends to downplay the real impacts these bills will have.

You have heard it said before so I will not go on at length but let me remind you that this bill:

Locks up 1.8 million acres of national forest land;

Locks up 1.4 million acres of Park Service land;

Locks up 150 million board feet of valuable timber;

Closes miles of ORV trails;

Limits grazing in wilderness; and

Forecloses a number of hydroelectric and water development projects.

In general, we are proposing to let nature have its way with over 3 million acres of land in California. I believe we will regret this decision and that someday there will be a public outcry to save the wilderness from insects, decay, and fires.

The recent fires which burned out of control in Montana and the beetle infestations in Colorado will become commonplace if we adopt this "no management" approach.

Second, the Members should be reminded that time and time again we pass these bills over the objections of those Members who represent the areas. This is unfair and unjust.

I want the record to show that this will not end the wilderness debate in California. They will be back wanting more before the ink is dry on this proposal.

I urge my colleagues to oppose the bill and send us to conference where the affected Members can take part in crafting a true compromise.

Furthermore, Mr. Speaker, with regard to title II, I believe certain provisions should be clearly understood. As my colleagues are aware, H.R. 5083 was introduced on March 8, 1984, to amend the Wild and Scenic Rivers Act by designating a segment of the Tuolumne River in California as a component of the National Wild and Scenic Rivers Systems. On May 3 and 4, 1984, hearings were held on H.R. 5083 before the Public Lands and National Parks Subcommittee of the Interior and Insular Affairs Committee. On August 9, 1984, the Senate passed H.R. 1437. Title II of that bill contains a paragraph that relates to the Tuolumne River and the language of that paragraph was taken verbatim from H.R. 5083.

H.R. 5083 was intended to be a reasonable alternative to an all or nothing solution. The precise language of H.R. 5083 was developed with bipartisan support to provide a compromise that preserves the main stem of the Tuolumne River without precluding hydro development on four of its tributaries.

Title II protects existing rights and obligations in the river basin, such as those provided under the Raker Act and other agreements and administrative determinations. The main purpose of title II is to confer wild and scenic status on those 83 miles of the main stem of the Tuolumne river proposed for wild and scenic status in the alternative A depiction contained in the draft Tuolumne wild and scenic river study and environmental impact statement issued in May 1979. At the same time, the language recognizes that water resource facilities may be developed on the north fork, middle fork or south fork of the Tuolumne River and on the Clavey River consistent with the designation of the main stem as wild and scenic. The recognition of possible tributory development is intended to be a clear congressional determination for the purposes of section 6 of the Wild and Scenic Rivers Act that the licensing, development, operation or maintenance of hydroelectric and water supply projects on these four tributaries is not deemed to have an adverse effect on the wild and scenic values or free flowing character of the main stem of the Tuolumne River.

The acceptance of this balanced and flexible approach by the Senate is gratifying to those who have been trying to accommodate both environmental and economic development concerns in connection with the Tuolumne. A major goal is to eliminate disputes under the Wild and Scenic Rivers Act and the Federal Power Act through a congressional mandate allowing tributary development. Congress has determined in title II that projects on the four tributaries or development pursuant to the Raker Act are consistent with the wild and scenic designation of the 83 miles of the Tuolumne. A well-designed development could provide a reliable and economical source of water supply as well as a dependable and economic power supply. Of course, such development must be consistent with historic water rights and related uses, including the operations of the various Raker Act facilities already existing on the main stem and the regulation of flows caused by O'Shaughnessy Dam, Lake Lloyd, and Lake Eleanor.

Congress recognizes that development of the Tuolumne River tributaries could require a storage reservoir outside the wild and scenic corridor of the main stem to provide a firm supply of water and power. If so, this concept would have to be consistent with maintaining the integrity of the three existing family camps on the middle and south forks. However, if construction of a reservoir at the Hardin Flat site proves to be the most viable solution for the needed storage for development of the middle and south forks, relocation of the Berkeley Tuolumne Camp and the community of Hardin Flat might be necessary. Any relocation of Berkeley Camp or Hardin Flat residences would be by providing equal or better facilities at suitable locations, or other acceptable agreements.

Title II of H.R. 1437 mandates a careful weighing of the legitimate interests involved. On the one hand is the need to preserve the wild and scenic character of the 83 miles of the main stem of the Tuolumne River. On the other hand is Congress willingness to allow water resource facilities to be developed on its tributaries.

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

Mr. UDALL. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Speaker, I rise in support of this bill because it solves so many important resource issues in California at once. For many of us here who were original supporters of the 2.3 million acre wilderness bill sponsored by our late colleague Phil Burton, the 1.8 million acreage compromise reached by our distinguished colleagues in the other body, Senator CRANSTON and Senator WILSON, is a fair and exhaustively reasoned balance of the competing timber, recreation, and wilderness interests.

For many of us who supported early efforts over several sessions to protect Mono Lake, a unique natural phenomenom on the eastern slope of the Sierra, incorporation of Representative LEHMAN's Mono Lake bill into the wilderness package is a great and probably essential step. Though another of Mono's early supporters, our colleague NORMAN SHUMWAY, has some difficulties with other portions of this bill, he too should take some satisfaction in—and deserves credit for—the fruition of this particular effort.

And for those of us who have been supporters of wild and scenic status for the 83 miles of the Tuolomne River remaining undeveloped, passage of this bill with the Tuolomne in it is a spectacular conclusion to an issue which in my experience really began with the development of the Stanislaus River some years ago. Mr. LEHMAN, whose courage and fortitude saw this project through to conclusion as well as the Mono Lake bill, deserves thanks from all Americans for his leadership.

Last, powerful praise is in order for the performance of the new Member from San Francisco, Mrs. BURTON, who picked up the complex package assembled by her late husband and has delivered it to us here with all substance and values preserved. In one term she has helped guide an effort which many of us could reasonably consider the legislative accomplishment of a lifetime.

As with many issues of this sort, the California wilderness bill will appear to our descendents through many generations as an act so wise and beneficial as to seem easy and obvious. Though there are people today who feel their interests have been abridged by this bill. I do not think there will be many who feel that way in the decades to come. The effects of this action will be felt in many ways by many people the length and breadth of the country's largest and in my view most beautiful State. One small part of the whole I take great satisfaction in, namely the enlargement of the Snow Mountain Wilderness from 25,000 acres proposed by the Forest Service to 37,000 acres, to better preserve the unique flora, prime mountain lion habitat and primitive recreation values of this region, the closest of all wilderness areas to the San Francisco bay area. The final Snow Mountain plan represents a compromise developed by former Representatives Bizz Johnson and Don Clausen with myself, and then more recently with Representative GENE CHAPPIE. Snow Mountain is one of many areas in which consensus was achieved in this bill. Whatever separate problems individuals may have with aspects of it, the bulk of the bill is comprised of agreements which deserve and badly need ratification. I urge the strong support of all my colleagues.

Mr. UDALL. Mr. Speaker, I yield 8 minutes to the gentleman from Ohio [Mr. SEIBERLING], chairman of the Subcommittee on Public Lands and National Parks that produced this legislation.

Mr. SEIBERLING. Mr. Speaker, I thank the distinguished chairman of the Committee on Interior and Insular Affairs, the gentleman from Arizona [Mr. UDALL].

Mr. Speaker, I rise in support of H.R. 1437 as amended by the Senate. This legislation resolves the RARE II issue in California. This is a bipartisan bill supported by both Senators from California. Though reduced somewhat in acreage, it is in essence the same bill that passed the House in three successive Congresses under the leadership of our late colleague, the Honorable Phillip Burton.

Mr. Speaker, as amended by the other body, title I of the bill would designate approximately 1,792,930 acres of national forest and BLM land as wilderness and mandate another 96,300 acres for wilderness study. In addition some 1,414,580 acres of land in Yosemite and Sequoia-Kings Canyon National Parks would be designated as wilderness.

On the other side of the equation, following the compromise release/sufficiency provisions which chairman UDALL and I negotiated with the other body last spring, some 2.8 million acres of national forest roadless lands inventoried in RARE II would be statutorily released from further wilderness review for the next 10 to 15 years and would thereby become available for timber harvest or other development determined appropriate through the national forest land management planning process. The release of this acreage is especially significant for the timber industry as it would remove the threat of wilderness related appeals and lawsuits that currently casts a cloud of uncertainty on land having an estimated annual potential timber yield in excess of 150 million board feet. The release language will also remove potential roadblocks to several water development, ski area, and mining projects.

Mr. Speaker, title II of H.R. 1437 includes language which would designate 83 miles of the main stem of the Tuolumne River a unit of the National Wild and Scenic Rivers System. This language, added to H.R. 1437 by the other body is similar to the language contained in H.R. 5083, introduced by our colleague from California, RICK LEHMAN.

Title III of the bill includes the language, with minor amendments, from H.R. 1341 to establish the Mono Basin National Forest Scenic Area—also introduced by RICK LEHMAN—which passed the House on July 18, 1983.

Mr. Speaker, both the designation of the Tuolumne River and the establishment of the National Scenic Area are desirable additions to H.R. 1437 and I commend Senator CRANSTON and Senator WILSON for their efforts to gain passage of these two outstanding pieces of legislation.

Quite frankly, Mr. Speaker, insofar as wilderness is concerned, I was hoping for a bill that would more closely parallel the 2.3 million acre wilderness proposal approved by the House in April 1983, and also passed by us twice prior to that in the 96th and 97th Congresses. I firmly believe that areas such as Boundary Peak, the Hoover additions, Excelsior, Granite Peak, Fish Canyon, Pyramid Peak, and Timbered Crater should have been included as wilderness in the final bill. Those areas have no significant resource conflicts and were recommended for wilderness in both RARE II and in the House bill. However, as they have little in the way of minerals, timber, or other development potential, it is likely that their current wild state will remain unchanged. I also note that several of those areas, plus additional House-passed proposals not contained in the final compromise, such as Caples Creek, Mill Creek, and the Carson-Iceberg additions, will be required to undergo further wilderness reviews in the next 2 to 3 years. Thus, the wilderness values of such areas will likely remain available for further congressional consideration.

The same probably cannot be said of House wilderness proposals for Dillon Creek, one half of Red Buttes, the east fork of Blue Creek, Pattison, and several smaller areas that have been deleted from wilderness or wilderness study by the other body for timber reasons, and may be opened to timber harvest in the near future. I am still of the opinion that most of these areas, and especially Dillon Creek—which I have personally visited—cannot be logged without having unacceptable adverse impacts on water quality and important fisheries values. Indeed, I believe that the ongoing national forest land management planning process, if properly implemented, will ultimately vindicate the House's conclusion that wilderness or roadless management constitutes the only logical use for those lands.

However, aside from such shortcomings, I must particularly commend the other body for sending us a final bill which, by and large, affords wilderness protection for most of the really key proposals, watersheds, and boundaries contained in the House bill. These include the Trinity Alps, the Yolla Bolly additions, Wooley Creek (Marble Mountain additions), Mount Shasta, Ishi, Snow Mountain, Bucks Lake, Granite Chief, the Mokelumne additions, San Joaquin, the John Muir additions, Dinkey Lakes, South Sierra, the Domelands additions, Santa Rosa, and San Mateo Canyon.

One of our foremost goals in drafting the House-passed bill was to maximize the protection of key watersheds containing anadromous fish runs and spawning areas. This was deemed essential because over the past several decades, dam construction, poor logging practices, and other development have curtailed California's once abundant salmon and steelhead runs to the point where the State of California has predicted almost a total loss of the resource by the turn of the century unless actions are taken to protect the remaining wild habitat. Of course, such a loss would have devastating impacts on California's commercial and sport fishing industry, which is estimated to contribute in excess of $60 million annually to the State's economy, and is a key employer in the north coast region. Thus, I am happy to report that, with the exceptions of Dillon Creek, the east fork of Blue Creek, and a portion of Mill Creek, the revised bill protects every key drainage proposed for wilderness in the House bill. The importance of several of these drainages is best illustrated by the following facts:

Yolla Bolly additions: Will protect the upper watershed of the middle fork of the Eel River, which is essential to support as much as 50 percent of California's remaining summer steelhead population;

Trinity Alps Wilderness: Will contain Manzanita Creek which produces more steelhead adults than the entire Lewistron Hatchery and has an excellent silver salmon run; the proposed wilderness also encompasses Little French Creek and the best summer steelhead and spring salmon habitat left in Trinity County;

Marble Mountain additions: Will protect the entire Wooley Creek watershed, the most important spring run summer steelhead run left in the entire Klamath River drainage. Wooley Creek also has important king salmon habitat;

Siskiyou Wilderness: Will contain the main fork of Blue Creek and Eightmile Creek watersheds, both of which have important steelhead and salmon values and contribute high quality water to other spawning streams;

Ishi Wilderness: Will protect key portions of Mill and Deer Creeks which have very significant runs of king salmon and produce as much as 70 percent of the Sacramento River drainage spring salmon runs in dry years.

Mr. Speaker, I am also gratified that the other body has seen fit to concur in our proposals for several other key areas that possess outstanding recreational and wildlife values. While I will not take the House's time to enumerate those areas, I believe it would be useful to provide a brief summary and a few comments on how the Senate compromise deals with the 58 specific wilderness proposals we passed. Therefore, the following list reviews each of the House proposals and also lists instances where the House committee report—House Report 98-40—should be specifically consulted with reference to certain agreements, boundary descriptions, or instructions to the Forest Service which are part and parcel of the consensus reached with the Senate on this bill, but which do not appear in the Senate committee report:

Boundary Peak: Area deleted, but to remain in further planning along with contiguous roadless lands in RARE II areas A&B 5058.

Caliente: Area deleted, but to remain in further planning.

Caples Creek: Area deleted, but to remain in further planning.

Caribou additions: House proposal accepted.

Carson-Iceberg: 160,000 of 190,000 acre House proposal accepted; remaining 30,000 acres to become congressionally designated planning area. See House committee report for discussion concerning North Fork Stanislaus River hydroelectric project, grazing and other matters not discussed in Senate report.

Castle Crags: House proposal accepted.

Chanchelulla: House proposal accepted.

Cinder Buttes: Area deleted.

Cucamonga additions: House proposal accepted except for minor boundary adjustment to exclude Lapis Lazuli mine.

Deep Wells: Area deleted.

Dick Smith: 2,300 acres deleted from House proposal. See House committee report for fire road and other matters not discussed in Senate report.

Dinkey Lakes: House proposal accepted. See House committee report for discussion of off-road vehicle trail.

Domeland additions: House proposal accepted. See House committee report for water project discussion.

Emigrant Wilderness additions: House proposal accepted.

Excelsior Wilderness: Area deleted.

Fish Canyon: Area deleted.

Granite Chief Wilderness: North end deleted—approximately 9,000 acres—to eliminate private land inholdings, otherwise House proposal accepted.

Granite Peak Wilderness Area deleted.

Hauser Wilderness: House proposal accepted. See House committee report for jeep trail discussion.

Hoover additions: Wilderness deleted, but redesignated congressional planning area.

Ishi Wilderness: House proposal accepted—includes 240 acres of BLM land.

John Muir additions-Inyo NF: Deleted.

John Muir additions-Sierra NF: House proposal accepted with minor boundary adjustment to accommodate Vermillion project. See House committee report for jeep trail, private access, and other discussion not mentioned in Senate report.

Lassen Volcanic additions: Deleted.

Marble Mountain additions: House proposal accepted minus 10,000 acres in Portuguese and Morehouse Creek drainages. See House committee report for discussion of boundaries not mentioned in Senate committee report.

Minarets additions: House proposal accepted; to be included in proposed Ansel Adams Wilderness.

Mokelumne additions: House proposal accepted minus 5,000 acre deletion to exclude jeep trails and other ORV routes. See House committee report for more specific boundary descriptions.

Monarch Wilderness: House proposal accepted minus 10,000 acres in Rough Spur Area. Rough Spur and remainder of Kings River roadless area—RARE II No. B5-198—will remain in further planning. See House committee report for further boundary discussion—Boyden Caves, and so forth.

Mount Shasta: House proposal accepted with 100 acre deletion for ski area potential.

North Fork: House proposal accepted.

Pattison Wilderness Area deleted.

Pine Creek Wilderness: House proposal accepted.

Pyramid Peak Wilderness: Wilderness deleted, but area designated as congressional planning area.

Red Buttes additions: House proposal reduced to 16,500 acres, including some lands in Oregon.

Russian Peak Wilderness: House proposal accepted.

San Gorgonio additions: House proposal accepted.

San Jacinto additions: House proposal accepted but transmission corridor exception extended for 10 years. See House committee report for further discussion.

San Joaquin Wilderness: House boundaries accepted and area incorporated into proposed Ansel Adams Wil-

derness. See House committee report for water project, grazing and other discussion not included in Senate report. Final agreement authorizes certain water projects, but prohibits Miller's Crossing Dam or other similar proposals on main San Joaquin River. Boundary drawn to permit raising Mammoth Pool by 25 feet.

San Mateo Canyon Wilderness: House proposal accepted. See House committee report for fire management discussion not contained in Senate report.

San Rafael additions: House proposed accepted.

Santa Rosa Wilderness: House proposal accepted. See House committee report for wildlife management discussion.

Scodies Wilderness: Area deleted, but will remain in further planning.

Sheep Mountain: House proposal reduced to exclude potential ski expansion area on northeast side of Mount San Antonio; see House committee report for other boundary and fire management discussion not mentioned in Senate report.

Silll Hill: Wilderness area deleted, but will remain in further planning.

Siskiyou Wilderness: House proposal reduced from 191,000 to 153,000 acres by dropping Dillon Creek and the east fork of Blue Creek; corridor left for G-O road project, but only if it is determined permissible under other laws. See House committee report for cobalt and other discussion.

Snow Mountain Wilderness: House proposal accepted.

South Sierra Wilderness: House proposal modified by additions in Albanita Meadows, and so forth and deletions on east side to exclude off-road vehicle trails and use areas. (Net reduction of approximately 14,000 acres).

South Warner additions: House proposal accepted.

Thousand Lakes additions: Deleted.

Timbered Crater: Area deleted, but bulk of area will remain in BLM wilderness study status pursuant to section 603 of the Federal Land Policy and Management Act.

Trinity Alps: House proposal modified with 13,000 acre deletion in Siskiyou County and 13,000 acre addition in Horse Linto Area. In my opinion, from a fisheries, wildlife, and recreation standpoint, the Trinity Alps are the crown jewel of the bill's wilderness proposals. The committee is especially grateful to the Trinity County RARE II Advisory Committee and the Trinity County Board of Supervisors for the countless hours they invested in examining the area and in suggesting appropriate wilderness boundaries. The proposed 500,000 acre Trinity Alps Wilderness, which will be the second largest national forest wilderness area in the State, is truly one of the most diverse and unique natural areas left in our Nation, and will insure that a significant chunk of pristine mountain country in northern California is left unimpared for future generations.

Ventana additions: House proposal accepted.

Yolla Bolly additions: House proposal accepted minus 4,000 acres in Mendocino/Tehama Counties. Wilderness will include certain BLM lands. See House committee report for additional duscussion of private inholdings.

Machesna Mountain Wilderness: House proposal accepted; includes some BLM lands.

Bucks Lake Wilderness: House proposal accepted.

Echo-Carson Wilderness: Area deleted.

Mill Creek Wilderness: Area deleted, but will remain in further planning.

Jennie Lakes Wilderness: House proposal accepted.

In addition to its wilderness proposals, the bill before us today contains provisions to facilitate a land exchange with inholders in the proposed wilderness areas, and to remove any wilderness related roadblocks to the North Fork Smith cobalt project. These provisions are similar to the House-passed provisions.

Mr. Speaker, this bill has been a very long time in the making, and is long overdue. It has been over 5 years since the Subcommittee on Public Lands and National Parks conducted a week long field inspection of the California wilderness proposals and our formal public hearings over three Congresses have heard testimony from more than 300 witnesses. Thus, while this bill is not everything that I, or the environmental groups, or certain industry groups might have hoped for, I believe it represents a reasonable compromise that protects the highest quality wild lands, and I urge its approval by the House.

Finally, as this bill will be the last opportunity to do so formally and on the record, I would like to recognize the diligent efforts of those who have worked closely with our committee over the years to develop a California wilderness bill and those who have worked so hard to achieve protection for Mono Lake and the Tuolumne River. In particular, I would like to commend the following conservationists from California who have worked with us and contributed so much to our deliberations on the bill or on individual areas: Russ Shay, California Sierra Club; Jim Eaton, California Wilderness Coalition; Tim McKay, Northcoast Environment Center; Greg Blomstrom, Siskiyou Mountain Resource Council; Dave Vandermark (Marble Mountain additions and Trinity Alps); Bob Morris, Trinity County; Dennis and Connie Corp, Trinity County; Ken Collins, Trinity County; Joseph and Susan Bower, Trinity County; Barbara Schneiders, Santa Rosa; David and Ellen Drell, Citizens Committee to Save Our Public Lands; Everett and Delphine Fountain, Humboldt County; Bob Tetrault, Marilee Jordan, and Jim Dupree, Mount Shasta; Chris Stromsness, Dunsmuir; Charlie Thom, Intertribal Council; Larry Moss, Trinidad; Luis Ireland, Davis; John Moore, San Francisco; Jim Bruner, South Lake Tahoe; George Whitmore and John Modin, San Joaquin Wilderness Association; Joe Fontaine, Sierra Club; Bob Barnes, Fresno; Sally Reid and Barbara Blake, Sierra Club; Ken Croker, San Diego; Eric Gerstung, Sacramento; Dick May, California Trout Inc.; Michael and Sally Yost, Quincy; Patti Hedge, the Wilderness Society; Steve Evans, Chico; Ed Grossweiler, Martha Davis, and David Gaines, the Mono Lake Committee; Andrea Lawrence, Mammoth Lakes; John Amodio, the Tuolumne River Preservation Trust; and Hope Babcock, Audubon Society.

I would also commend the following individuals and organizations representing a broad diversity of interests that worked with us to resolve many difficult issues: Mr. Huey Johnson, former secretary of natural resources for the State of California; Bob Roberts, Sierra Ski Areas Association; Mr. Egon Harrasser, Save Our Skiing; Dave and Gary McCoy, Mammoth Mountain Ski Area; Ed Dunklee, California 4-Wheel Drive Association; Steve DeMaria, formerly of Bendix Forest Products; Terry Bracy, Washington, DC, representative for Cal-Nickel; Terry Adlhock, Washington, DC, representative of the Southern California Edison Co.; Gary Magnuson, former Washington, DC, representative for the State of California; Jerry Bendix, Hi-Ridge Lumber Co.; Jim Niles, Southern Pacific Land Co.; Mr. Zane Smith, regional forester, Forest Service Region 5; John Boudreau, Upper San Joaquin River & Power Authority; and Arnold Cordova, Los Angeles Department of Water and Power. While the final bill may not be entirely to their liking, their cooperation and courtesy in working with the committee to address legitimate concerns has been greatly appreciated.

And finally, while I have already noted the splendid efforts of Senators CRANSTON and WILSON in engineering this compromise, I would like to pay special thanks to Kathy Files of Senator CRANSTON's staff and Jim Burroughs of Senator WILSON's staff for the absolutely outstanding work they did in working with us to achieve a final consensus.

Mr. Speaker, that concludes my remarks, and I once again urge my colleagues' approval of H.R. 1437, as amended.

□ 1430

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

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

Mr. DANNEMEYER. I yield to the gentleman from California.

Mr. ZSCHAU. I thank the gentleman for yielding.

Mr. Speaker, I would like to state my strong support for H.R. 1437 as amended by the other body.

Mr. DANNEMEYER. Mr. Speaker, we in California, I believe, are doing an excellent job of participating in the Federal program for the establishment of wilderness areas.

I want to remind my colleagues that in the lower 48 States in these United States we presently have some 23.5 million acres designated wilderness. In California, we have, as I say, I believe more than our share existing. We have 2.7 million acres. We have areas recommended for wilderness but not yet designated, another 4.5 million. And areas still under study for possible wilderness designation, 9.5 million acres.

One has to ask: Where does this stop? In asking that question, really, what does it mean to have a wilderness area? There may be some Members in the Chamber who do not know that.

In a wilderness area you can walk in it, as long as you get a permit from the appropriate administering Federal agency. You cannot pick up any rocks. You can fish there. You cannot build anything in the facility. It is just there.

If a fire happens to start in an area designated as wilderness, even if it happens to be adjacent to a developed area, you cannot go in and fight the fire because the proponents of it say it must be natural.

With respect to the matter of insects, you cannot spray for any insects in a wilderness area. As pointed out earlier, I believe, if you want an area that is in a rundown condition, establish a principle whereby you cannot spray in that particular region designated as a wilderness area.

As I previously indicated in California we have some 34 agencies of the Federal Government that own title to 47.5 million acres of our 100 million acres. I happen to believe that that is close to enough.

When we designate wilderness areas we transgress on the rights of people in the following industries. For instance, in fishing, the Del Norte Fishermen Marketing Association, which represents the salmon fishermen of Del Norte County, is opposed to the concept of wilderness in this bill because it adversely affects their salmon spawning streams, which are included in H.R. 1437.

The fishermen in that area of our State favor multiple-use land development, reasoning that this is the only way that their rebuilding program can continue.

With respect to timber and the jobs of people working in that industry in the State of California, proponents of this bill assert that it will create over 300 jobs. But these figures are based on the idea that jobs will be created by the release of 1 million acres encumbered by the decision of the Ninth Circuit Court of Appeals.

Yet, this bill would withdraw from availability timber that is tied directly to 1,300 jobs in logging and sawmilling. What do we say to those people who are losing their jobs as a result of yet more land grabbed by the Federal Government placed in the title of wilderness?

In the area of skiing, certain elements of the skiing industry in my State oppose the bill. The ski potential in California should be developed to the greatest extent possible. We have 23 million people in our State. Thousands of them, hundreds of thousands, engage in skiing and we have the need for additional skiing areas.

□ 1440

Wilderness designation would preclude or adversely affect potential skiing development, which is not in the best interest of those who want additional ski areas developed.

And then in the area of mineral dependence, most Members I think are probably aware in this country the United States of America is a dependent country for minerals. The Forest Service is updating their mineral information in national forest land. It is apparent that 410,480 acres that are included in this bill will preclude extraction of gold, silver, uraniums, chromite, manganese, copper, and tungsten. Twenty areas that are being frozen in wilderness have been identified as having mineral ratings of 70 to 90 on a score of 100. In other words, we are exacerbating the goal of this country, which should be independent not only for mineral resources but for oil and natural gas as well.

I ask for the defeat of the legislation.

Mr. UDALL. Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. I thank the chairman for yielding time to me.

Mr. Speaker, as the sponsor of H.R. 2474, which called for the designation of the Tuolumne River as a wild and scenic river, I rise in support of the California wilderness bill, H.R. 1437. H.R. 2474 received the support of numerous environmental groups and the majority of the California delegation, and I am particular pleased that the California wilderness bill now designates the Tuolumne River as a wild and scenic river.

The Tuolumne River basin contains municipally owned family camps which provide thousands of urban dwellers with a vista of primal California wilderness.

It seems clear, as I read the legislative history established in the other body by the two distinguished gentleman from California that it is not the intent of the legislation—and I concur—that development be undertaken on the North Fork, the Middle Fork, and the South Fork which would have an adverse impact upon the family camps of Berkeley/Tuolumne, San Jose, Camp Tawonga, and the community of Hardin Flats. If for whatever reason development is proposed on these areas I am prepared to join my colleagues to take whatever action is necessary to preseve this precious resource of thousands of Californians.

As my colleagues may know, the California wilderness bill will classify 1.8 million acres of federally owned forest land as wilderness areas. This legislation represents a monumental effort on behalf of many environmentalists and is a bipartisan effort toward the preservation of a vital natural resource.

I would like to thank Mr. EDWARDS, Mr. LEHMAN, Mr. SEIBERLING, and their staffs for their dedication and work which made inclusion of the Tuolumne River in the California wilderness bill possible.

I would also like to thank the countless environmental groups which labored long, hard hours and supplied me with vital information.

I also want to pay tribute to the great work of my friend and fellow colleague, the late Phil Burton. It is through his untiring efforts which made the passage of this legislation possible. So much so, that the legislation could aptly be named "the Phil Burton bill."

Mr. Speaker, with those brief remarks in support of the bill, I would like to engage the distinguished gentleman from Ohio, the chairman of the subcommittee, in a colloquy with respect to aspects of the legislation which are very important to the people of my district, and I would direct my comments to the gentleman.

As I understand the bill it includes language to ensure that preservation of the main stem of the Tuolumne River would not preclude hydroelectric development on four of the tributaries outside the boundaries of the area designated. However, I understand from the legislative history that tributary development on the North Fork, Middle Fork, and South Fork of the Tuolumne River and on the Clavey River would be consistent with maintaining the integrity of and not adversely affecting the community of Hardin Flat nor the San Jose Family Camp, Berkeley Tuolumne Camp, nor

Camp Towanga as established as of the date of enactment of this bill.

I yield to the chairman for his understanding with respect to the issues I have just alluded to.

Mr. SEIBERLING. I thank the gentleman.

The bill does not extend the normal protections provided in the National Wild and Scenic Rivers Act regarding water resources development for these tributaries. However, during future consideration, if any, of a permit for water resources development by the Federal Energy Regulatory Commission and the Forest Service protection of the town of Hardin Flat and the family camps should be an important consideration, and that is certainly our intention.

Mr. DELLUMS. I thank the gentleman for that statement.

Mr. Speaker, again I rise in support of the legislation.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. SHUMWAY], who is deeply affected by this legislation in his district.

Mr. SHUMWAY. Mr. Speaker, I rise in opposition to this wilderness proposal. While the legislation before us today is far more rational than the extravagant 2.4-million-acre bill passed by the House last year, it hardly reflects responsible forest management or a serious concern for balance. Moreover, a major component of the package is a highly controversial wild and scenic river designation which has not been considered on the floor. In its favor, the bill does release a considerable chunk of specific roadless areas for nonwilderness uses—although it simultaneously leaves an additional 1.7 million acres in further planning—or de facto wilderness. Moreover, many units in the bill, such as the proposed Emigrant Area and the Mono Lake National Forest Scenic Area are beautiful tracts that certainly deserve the protection afforded by very limited management. Nevertheless, the total amount of resources to be locked up and activities to be prohibited are plainly excessive. Excessive preservation is not conservation.

In the area that I represent, there is still genuine, widespread concern about the probable effects of the bill. These specific concerns have been discussed in previous debate and I see no need to reiterate them now. These objections are not founded upon any sort of built-in frontier-style capitalism or animosity toward the concept of natural wilderness. Indeed, most residents, including myself, recognize that moderately sized and strategically located wilderness areas benefit society by protecting pristine wildlife habitat and watershed. The major concern lies in the simple fact that the 1.8-million-acre proposal would strictly prohibit many legitimate forest activities on hundreds of thousands of highly productive acres. A wiser policy choice would be to leave our options open for posterity. A wiser policy choice would reflect the fact that excessive preservation is not conservation.

Even from a standpoint of environmental awareness, it just doesn't make sense to completely restrict logging, hardrock mining, range and stand improvement, watershed management, nonwilderness recreation, and other competing choices from such large tracts of our national forest—especially when such operations can be made compatible with esthetic and other intangible values. It is also important to remember that wilderness classification is not always the most appropriate mechanism for protection of resource values. Less restrictive designations do not imply uncontrolled development. My constituents place heavy emphasis on the ethic of multiple-use husbandry of public lands because it is the approach that provides the greatest good for the greatest number in the long run. These people revere their surroundings and understand that excessive preservation is not conservation.

Unfortunately, this so-called compromise will create uncertainty about the present and future quality of life in many rural communities. Once again, I believe that the House is faced with the choice of voting up or down on a wilderness bill that, while well-intended, reflects the trendy fantasy that public lands are sacred only to the degree they escape human needs. Once again, I believe that Congress has been relatively insensitive to the views and concerns of many who have large acreage or waterways at stake. Once again, I believe that Congress finds itself on the verge of awarding wilderness victory to the side with the greater passion and the inferior case.

Lands managed for many uses are the real national treasure because they can provide a multitude of amenities in perpetuity without impairing environmental considerations or future productivity. I realize that the great majority of Members are not directly affected by the California Wilderness question, and I realize further that this is an election year and we have here an environmental vote which perhaps will score points with that community. Still, I ask you, as my colleagues, to vote against this specific bill. It is not a memorial issue. It is not a cheap wilderness issue. We are not going through these motions just to placate our constituents back home or to serve the needs of special interests. This is an issue of fairness concerning real people with real needs. Please do not import forest mismanagement and unemployment into districts such as mine that can ill afford it. The underlying question is not whether wilderness in California is good or bad. It is good. The underlying question is how much wilderness is enough. This bill is far too excessive, and excessive preservation is not conservation.

Finally, Mr. Speaker, let me add that the request to defeat this proposal is not just coming from a few of us Californians who perhaps have narrow and what may be seen to be parochial interests. It is a request that has been echoed in our State by the State Chamber of Commerce, by the Farm Bureau, by the Wildlife Federation and many other responsible groups, and last but not least of all, by our Governor, George Deukmejian.

Mr. Speaker, I am including as part of my remarks a mailgram from Bob Maben, president, California Licensed Foresters Association; a letter from Gerald H. Upholt, director, legislative and governmental affairs, California Wildlife Federation; a letter from Scott Horngren, recording secretary, Public Land Users Alliance, on behalf of 19 other organizations; and a newspaper article from the Sacramento Union:

[Mailgram]

SACRAMENTO, CA, *July 31, 1984.*

Congressman NORMAN SHUMWAY,
House Office Building, Washington, DC.

California Licensed Foresters Association strongly opposes the Cranston-Wilson compromise on the California Wilderness bill which now adds 1,800,000 acres to existing wilderness.

CLFA represents some 350 foresters, who apply their skills in this state to land management and resource development. This association is actively engaged in working for appropriate regulations of timber harvest and land use.

CLFA opposed the Burton bill, which would have placed an astounding and unsupportable 2.3 million acres in a non-use wilderness classification. We have identified specific areas that are potentially highly protective and which currently provide part of the base for annual harvest volume. The Cranston bill would go even further. The original Wilson wilderness bill of 1.2 million acres reflects the study and recommendations made by the Forest Service under both the Carter and Reagan administrations. We could support legislation which would include a minimum number of productive timberland acres: lands which can also provide vast camping and other values for all of the people, rather than just the few who can backpack.

The Cranston-Wilson compromise ignores important resource facts as well as the pleas of those who really know and care. In the present compromise bill there are only a few areas which contain most of the productive timber lands. These could be recovered by a 100,000 acre deletion and would not decimate the wilderness. They are:

Siskiyou Mountains (north slope of the Trinity Alps), Yolla Bolly (western portion), Bucks Lake (Plumas County), Pincushion (portion of the proposed "San Joaquin" now Ansel Adams Wilderness), Rancheria (middle segment of high productive and over mature Timberlands), South Sierra (productive area surrounding Albanita meadow).

CLFA urges you, as chairman, to demand that all maps showing wilderness, "released further planning" and "areas not to be released" be provided the interested public and the passage of the bill to the Senate floor be delayed until these have been studied and the economic impacts on the industries, dependent communities and recreational opportunities have been fully accessed and the losses known.

Yours Truly,

BOB MABEN,
President,
California Licensed Foresters Association.

CALIFORNIA WILDLIFE FEDERATION,
Sacramento, CA, August 17, 1984.

Hon. PETE WILSON,
U.S. Senate, Hart Senate Building, Washington, DC.

DEAR SENATOR WILSON: This is to notify you of the opposition of the California Wildlife Federation to S-1515, legislation authored by you to add 1.8 million acres of land to the California wilderness.

It is our strong position that the 1.2 million RARE II acres originally advocated by yourself as the maximum acceptable addition to wilderness lands in California is sufficiently generous and adequate. To "compromise" on the higher amount of 1.8 million acres is not only inappropriate, but is excessively contradictory to the principle of multiple uses of our public lands.

This "compromise" will result in depriving the overwhelming majority of California citizens, and those visiting from other states, of an opportunity to see, use, and enjoy an additional 600,000 acres of their forest land heritage. Only those individuals fortunate enough to have the health, time, money and other resources necessary for cross country hiking, backpacking, or horseback riding will be able to use the wilderness, even though these lands belong to all U.S. citizens.

S-1515 should immediatley be amended to add only the 1.2 million acres you originally agreed upon to the California wilderness. This is the maximum amount that good conscience and sound thinking should allow.

If you have any questions regarding our position on this matter, please do not hesitate to contact me.

Sincerely,

GERALD H. UPHOLT,
Director, Legislative and Governmental Affairs.

PUBLIC LAND USERS ALLIANCE,
Sacramento, CA, August 30, 1984.

Hon. NORMAN SHUMWAY,
House of Representatives,
Washington, DC.

DEAR MR. SHUMWAY: The undersigned organizations in cooperation with, or as members of, the Alliance are very much opposed to the Senate version of H.R. 1437, the California Wilderness Act. As amended, H.R. 1437 proposes an unprecedented lockup of public lands in our state.

Existing wilderness in California now includes 2.2 million acres in 23 National Forest wilderness areas, and 600,000 acres in five National Park wilderness areas. H.R. 1437 would more than double wilderness acreage in our state. It would add 3.2 million acres in National Forest and National Park lands to the National Wilderness System. Worse yet, nearly 1.9 million acres, specifically designated as "further planning," will remain as de facto wilderness.

We are particularly concerned with the legal effect on present and future uses that congressional designation would have on the 68 areas named for "further planning." These areas were not specifically identified in H.R. 1437 when approved in 1983 by the House. Most of these areas are in Southern California where recreational resources are already strained to capacity. Implementation of this bill is certain to antagonize many of your constituents who currently have vehicle access to these areas and are unaware of the boundaries or details of what is included in H.R. 1437.

We have learned from the U.S. Forest Service, after their review of detailed topographic maps which have not been released for public examination, that some modification of boundaries, such as those at Bucks Lake, could preserve essential wilderness characteristics while permitting continued intensive recreation use outside of the adjusted boundaries. In many instances existing road access could be continued. Congress has recognized pre-existing uses in other legislation.

As the sponsors of the Senate amendments have admitted, recreation for Southern California is the big loser if the bill passes in its present form. Over 1,000 miles of existing roads and vehicle trails will be closed. Gates and roadblocks will be installed on roads that are now used for access to camping, picnicking, hunting, rock collecting, etc. Particularly aggrieved will be those folks who by reason of age or health, including individuals in wheelchairs, will be precluded from entry to areas that are now open to wheeled vehicle use.

Provision of badly needed supplemental ski facilities for Southern Californians will be adversely impacted by the temporary nature of the "release language" in the bill. The bill does not adequately protect major potential ski developments such as Mt. Baldy and Jennie Lakes.

Language should be added to the bill that would direct the Forest Service to mitigate lost recreation uses by encouraging increased recreation activity on other lands, consistent with applicable laws.

It is particularly distressing to us that the Senate amendments will prohibit completion of the hydroelectric power studies on the Tuolumne River. Provisions of the new Title II in H.R. 1437 are not appropriate in a wilderness bill. Provisions of this title have never been approved or debated on the floor of the House. In fact no recommendation for stopping development on or adjacent to sections of the Tuolumne River below San Francisco's Hetch-Hetchy power project has been made by any committee of the House. This title should be removed.

H.R. 1437 in its present form is not in the interest of your constituents and we urge you to correct the deficiencies in the bill.

Sincerely,

Scott Horngren, Recording Secretary, on behalf of: Leland H. Ruth, President, Agricultural Council of California; Jerry Counts, Land Use Coordinator, American Motorcyclists Assn.—Dist. 7; Louis B. Allen, Asst. Executive Director, Association of California Water Agencies; Lawrence Calkins, President, California Association of Four-Wheel Drive Clubs, Inc.; William Staiger, Exec. Vice President, California Cattlemen's Assn.; John T. Hay President, California Chamber of Commerce; Henry J. Voss, President, California Farm Bureau Federation; Ray B. Hunter, Exec. Vice President, California Mining Assn.; Ernest Geddes, President, California Municipal Utilities Assn.; Donnetta Carnagey, Vice President, California Off Road Vehicle Assn.; David Austin, Master, California State Grange; Gerald Upholt, Director/Government Affairs, California Wildlife Federation; Alan Isley, President, Motorcycle Industry Council; Glenn Odell, President, National Offroad Bicycle Assn.; Marie Brashear, President, National Outdoor Coalition; Suzanne Kuehl, President, Regional Council of Rural Counties; Mark Anderson, Director, Specialty Vehicle Institute of America; Joe Tomascheski, President, Western Timber Assn.; Alfred Kramm, Director, World of Rockhounds Assn.

[From the Sacramento Union, July 13, 1984]

DUKE ATTACKS WILDERNESS PLAN—CRANSTON, WILSON 1.8 MILLION-ACRE COMPROMISE CALLED TOO MUCH

EUREKA.—Gov. George Deukmejian Thursday attacked the compromise plan by Sens. Alan Cranston and Pete Wilson to put another 1.8 million acres of state wilderness under federal protection.

Deukmejian said he would support including 1.2 million acres of California land in the federal wilderness act, but complained that 1.8 million acres took too much land out of timber production at a time of high unemployment in the area.

Deukmejian's comments came after a private meeting with two dozen leaders of the north coast timber industry in Ukiah on his first stop of a two-day swing through northwestern California.

"He was just there to listen. He didn't make any promises," said John Mayfield of Willits, a timber land owner and deputy director of conservation when Ronald Reagan was governor.

The governor then flew to Eureka for a speech to the Chamber of Commerce and meetings with Humboldt County GOP leaders.

The Republican governor was met at the Eureka Inn by 50 demonstrators, organized by the local chapter of the National Organization for Women, protesting his recent budget veto of $77 million for comparable worth pay.

The original wilderness bill, authored by the late Rep. Philip Burton, would have put 2.4 million acres under federal protection.

A substitute measure by Cranston called for 3.5 million acres, while Republican Wilson and the Reagan administration wanted 1.2 million acres in the bill. They compromised on 1.8 million acres.

"I do not think that there is any justification for adding to it," Deukmejian said. "Putting more acreage in will affect consumers by raising prices. It also affects workers, especially in north coast counties where there is high unemployment."

Deukmejian said that surveys had been done on only 1.2 million acres of the proposed wilderness land.

Mendocino County has an unemployment rate of 9.9 percent because of the lagging lumber industry and a decline in salmon fishing. The state unemployment rate last month was 7.5 percent, while the national level was 7.1 percent.

Deukmejian also heard gripes from the lumbermen about the state's environmental regulations for timber harvesting, and Southern Pacific Railroad's campaign to abandon service on the 180-mile line between Willits and Eureka.

Deukmejian said he would defer action on the proposed abandonment of the Willits-Eureka rail service unless the Interstate Commerce Commission approves Southern Pacific's request to close the line.

"If it gets to that point, we will certainly deal with it," Deukmejian said.

He said he would prefer to see the line under private operation rather than run by a proposed five-county authority made up of officials in the lines' service area.

□ 1450

Mr. UDALL. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon [Mr. WEAVER].

Mr. WEAVER. I thank the chairman of the Interior Committee, Mr. UDALL, for yielding me this time, whose great leadership has made this bill possible, and the chairman of the subcommittee, Mr. SEIBERLING, whose countless hours in negotiations have also made this bill possible.

Mr. Speaker, the bill stirs memories of our great colleague, Phil Burton, whose boundless and endless energies went into devising the negotiations and the compromises that made this bill possible as well. Phil is ably replaced by his wonderful wife, SALA, whose great, great good works on this bill have also played a major role in bringing it to the floor today and assuring its passage.

I believe, as Phil Burton did, that once wilderness is gone, it cannot be replaced. While we have been ceded many millions of acres in the wilderness system in this United States, we must remember that there is probably more asphaltic surface in this country than there is wilderness, and that this is little enough to reserve for our own use and our children's use for scientific endeavor and for all the various needs of our fisheries, of animal life, of genetic storehouses that is essential if we are to continue to exist as a civilization as man overpopulates this Earth.

I find it absurd to say that it is too much when I know that in the Trinity Shasta National Forest it amounts to a few percent; 2, 3, or 4 percent of the annual allowable harvest. An amount that is insignificant, particularly considering the fact that most of the timber is being exported to other counties. For this reason, I believe this is a wonderful bill, and I know the House will endorse it.

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

Mr. LAGOMARSINO. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of this important compromise on the California Wilderness Act.

As we all know, Mr. Speaker and especially those of us who have been involved in this effort, this compromise is the product of many years of hard work and negotiation. I am pleased to see the deadlock on California wilderness finally broken.

This legislation is, I believe, balanced—a fair and equitable compromise that serves to protect and preserve lands worthy of wilderness designation. And, just as importantly, the bill releases many other areas from further study for appropriate resource management, including recreation and economic development. To further delay the enactment of this important legislation would be detrimental to everyone since over three-fourths of California's national forest roadless land would remain in a wilderness limbo, constraining development and recreational use of the land, as well as suspending protection of the State's remaining scenic and natural resources. In addition, restudying these issues would require more time and more money which we simply cannot afford, especially in view of our escalating Federal debt.

In my own district, this important bill would afford wilderness protection to one of the finest remaining roadless areas in the Los Padres National Forest—the proposed Dick Smith Wilderness Area. I have introducted separate legislation the last three Congresses to create the Dick Smith wilderness and I am very pleased to see the area included in this compromise legislation.

Named after the late naturalist, artist, craftsman, and journalist, Dick Smith, the 64,700 acres included in this area meet, without question, all the criteria for wilderness as outlined in the Wilderness Act of 1964. The numerous ecological, geological, and scenic resources in this area need, and certainly deserve, the protection that wilderness designation provides. It is also a fitting tribute, I believe, to name this area in honor of the outstanding conservation achievements of Dick Smith who gave so much of himself in preserving the wilderness qualities of this study area.

Likewise, I am very supportive of the language in this compromise which provides needed protection for the Tuolumne River by designating it as a component of the Wild and Scenic Rivers Systems. This beautiful California waterway depicts an outstanding balance between the numerous competing uses which confront many of our Nation's rivers. It is currently a working river with several dams and powerhouses supplying water and power to homes and farms in the San Francisco area. In addition, the undeveloped 83-mile stretch of the river has provided beauty and enjoyment for rafters, hunters, fishermen, and naturalists for hundreds of years. Being a cosponsor and strong supporter of the House legislation (H.R. 2474) to protect the Tuolumne, I am pleased that the crafters of this significant compromise recognized the need to preserve the remaining scenic, natural, and recreational values of the river since no proof has yet been presented to substantiate the claim that additional development is needed to meet the power and water requirements of this area. Moreover, I agree with the intent of the framers of the compromise that any tributary development on the north, middle, or south forks of the Tuolumne and Clavey Rivers should not adversely affect the family camps located on these tributaries. These camps, which provide important recreational opportunities for many urban families seeking the enjoyment and beauty of nature, should definitely be maintained. I have attached a letter on this issue from Senator PETE WILSON.

I would also like to indicate my support for the provisions in this compromise which seek to protect Mono Lake. As you know, Mr. Speaker, identical legislation to establish the Mono Lake Basin Scenic Area was passed by this body in July. As a cosponsor and supporter of the original legislation (H.R. 1341), I urge my colleagues to support this language to protect this unique California resource.

Finally, I believe the passage of this legislation would be a fine tribute to the late Phil Burton whose devoted leadership was so instrumental in moving this bill along for many years, resulting in this compromise before us today.

The California wilderness proposal currently enjoys strong bipartisan support by the California House delegation, both U.S. Senators from the State, and numerous conservation organizations. I therefore urge all of my colleagues to vote for this fair and equitable compromise to insure that all Americans and future generations may enjoy the beautiful and unique natural resources California has to offer.

At this point I include the following letter:

U.S. SENATE,
Washington, DC, August 28, 1984.

Hon. ROBERT J. LAGOMARSINO,
Member of Congress, House of Representatives, Washington, DC.

DEAR BOB: Thank you for your letter regarding the community of Harden Flat and the three family camps on the South Fork and Middle Fork of the Tuolumne River.

As you know by now, language protecting the family camps and harden Flat was not included in the Senate passed version of H.R. 1437, the California Wilderness Act of 1984. The Committee on Energy and Natural Resources was opposed to including any bill on report language on this subject at such a late date. Consequently, Senator Alan Cranston and myself chose to address this subject in a floor colloquy during the consideration of this bill. As the principal Senate authors of this bill, we agreed that it was not our intent that any future development of the middle Fork and South Fork would adversely impact the existing family camps and community of Harden Flat. If this statement of intent proves insufficient

on deterring any such proposed development, we are prepared to take such action as may be necessary to help preserve these communities for the use and enjoyment of generations to come.

With best regards,

Sincerely,

PETE WILSON.

Mr. UDALL. Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. LEHMAN].

Mr. LEHMAN of California. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of the omnibus California conservation bill before us today. This historic compromise exemplifies the very best of the legislative process, and I am proud to stand with my House and Senate colleagues who have put aside regional and partisan differences to forge longlasting protection of, and national recognition for our magnificent California landscape. This bill does not contain everything that every interest wants. However, it does represent the best possible compromise between Republicans and Democrats, Congressmen and Senators, environmentalists and developments. It is truly a product that future generations will cherish.

H.R. 1437 protects three quite different, but equaly significant California natural resources. Title I of the bill sets aside 1.8 million acres of wilderness ranging from the Trinity Alps in northern California to the Ansel Adams Wilderness in central California to San Bernardino in southern California. It also releases in excess of 150 million board feet annually for timber harvesting. This bill is supported by the Sierra Sky Association, because it opens up more than a dozen new sites for that recreation. Title II of the bill adds 83 miles of the Tuolumne River to our National Wild and Scenic Rivers System. Finally, title III of this bill creates the Mono Basin National Forest Scenic Area.

Mr. Speaker, I have the tremendous pleasure and responsibility of representing two of the three areas in this legislation in their entirety—Mono Lake and that portion of the Tuolumne River to be designated as wild and scenic. With minor technical revisions, the bill before us today incorporates the language of H.R. 5083 and H.R. 1341 which I introduced into the House of Representatives earlier this Congress.

At this time, I would like to make a few clarifying points regarding some provisions of title I of H.R. 1437. Although Senate report language is less detailed than House Report No. 98-40, H.R. 1437 as amended by the Senate will have precisely the same effect on a small hydro project in Calaveras County, known as the Spicers Reservoir Enlargement, as described in the House report. That is, by drawing the wilderness boundary line to exclude portions of unit B5986 located in and around Gabbott Meadow and Highland Creek, it is the Congress' intention to terminate the further planning status of the excluded areas. These excluded lands will thus be available for nonwilderness multiple uses such as possible future construction of the Spicers Dam enlargement now under FERC Project No. 2409.

Another area in my district affected by title I of H.R. 1437 as amended by the Senate is a private inholding in the John Muir Wilderness additions referenced in House Report No. 98-40 on pages 21 and 22. Again, although the Senate report language is less specific, the House and Senate are in agreement with House report language assuring continued primitive road and telephone access to property owned by Mrs. Karl Smith, Fred Ross, and David and Miriam MacKenzie.

H.R. 5083, now title II of H.R. 1437, is designed to protect the main stem of the Tuolumne River from further hydroelectric development. At the same time, this language was specifically developed to acknowledge that the county of origin, Tuolumne, has never directly benefitted from the vast water resources within its boundaries. Therefore, it is my intention that small county hydro projects on the North Fork, Middle Fork, and South Fork of the Tuolumne River or on the Clavey River will not be precluded because of designation of the main stem of the river as wild and scenic, but will follow the usual Federal Energy Regulatory Commission procedures. Any proposed development on the Cherry Creek tributary of the Tuolumne River, however, will be governed by the 1968 National Wild and Scenic Rivers Act as amended.

H.R. 1341, now title III of H.R. 1437, received the unanimous approval of this House over a year ago. It will give national recognition to the jewel of the eastern Sierra Nevada Mountains, Mono Lake. At the turn of the century, John Muir described the Mono basin as a land of "Frost and Fire" and fought to add it to Yosemite National Park. We have not achieved John Muir's dream, but we have preserved a holy place for future generations of Americans.

Because of the late action on this legislation, it will be necessary for the U.S. Department of Agriculture to absorb necessary startup costs to implement critical features of title III of this legislation. In particular, the Chief of the U.S. Forest Service should develop a management plan and initiate the National Academy of Science study in the Mono basin at the earliest possible date from already authorized funds.

I want to clarify an additional point with respect to title III of this legislation. This language is intended to be entirely neutral on the pending controversy between the State of California and the Federal Government over certain areas of the bed of Mono Lake which have been or may be left uncovered as a result of diversions and declining lake levels. Determination of the ownership of the uncovered bed of Mono Lake is currently before the Federal courts, and title III of H.R. 1437 is not intended to have any effect whatsoever on these proceedings.

A final and key fact needs to be reiterated with regard to the impact of title III on water rights. As the House and Senate bills noted, legislation to create the Mono Basin National Forest Scenic Area shall have no effect upon California water rights law or on the water rights granted to the city of Los Angeles. Therefore, as the author or the House bill, I want to underline the significance of the words selected to describe the Congress's intent. H.R. 1341, House Report No. 98-291, and H.R. 1437 clearly state that it is the intent of the authors of this legislation that both management of the scenic area and the management plan for natural protection shall be consistent with the protection of water rights * * *

Mr. Speaker, I would like to close my remarks by recognizing that without the efforts of the late Phil Burton, California wilderness legislation would not be a reality today. I am saddened that he is not physically with us today, but his spirit cannot be denied. I want to express my strong personal gratitude to my chairmen and colleagues JOHN SEIBERLING and MO UDALL, and to Congresswoman SALA BURTON, RON DELLUMS, DON EDWARDS, and BOB LAGOMARSINO; they deserve the great appreciation of all Californians for their leadership and hard work on this omnibus California conservation bill. We also owe our California Senators ALAN CRANSTON and PETE WILSON special thanks for months of good faith efforts to craft a balanced wilderness proposal for our State. H.R. 1437 is a solid, bipartisan piece of legislation, and I call upon this House to enact it into law.

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Mr. SEIBERLING, I would like to ask you a question for the purposes of clarifying congressional intent with regard to the portion of section 301 of title II of H.R. 1437 that makes reference to the Raker Act.

It is the gentleman's understanding that this provision is only designed to make clear that the enactment of H.R. 1437 will not allow anything other than the operation, maintenance and repair of existing facilities that were authorized and constructed in accordance with the Raker Act?

Mr. SEIBERLING. If the gentleman would yield, yes; that is the intent of this provision.

Mr. LEHMAN of California. I thank the gentleman.

Furthermore, it is my view, that has been substantiated by a congressional research service legal opinion that with or without enactment of H.R. 1437, new congressional authorization would be required to increase the size of O'Shaugnessy Dam or related facilities.

Mr. Speaker, I am including the following information for the benefit of my colleagues:

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, Dec. 19, 1983.

To: Honorable Richard Lehman.
From: American Law Division.
Subject: The Hetch Hetchy Water Project.

By the "Raker Act" of 1913,[1] Congress granted the City and County of San Francisco, subject to express conditions, certain lands and rights-of-way in Yosemite National Park and the Stanislaus National Forest. The legislation was intended to assist the City in constructing and maintaining a means of supplying water for the domestic purposes of the City of San Francisco and other public bodies and included an electric power facility. You have informed us that a study has recommended that the height of the O'Shaughnessy Dam that was built as part of the Hetch Hetchy Project and is located in Yosemite National Park, be increased in order to expand the reservoir capacity and supply additional water to San Francisco. You have asked us if the dam can be raised under the existing authority, or whether new authority is needed.

Section 9(k) of the 1913 Act states: "That when the said grantee begins the development of the Hetch Hetchy Reservoir site, it shall undertake and vigorously prosecute to completion a dam at least two hundred feet high, with a foundation capable to supporting said dam when built to its greatest economic and safe height."

This language might be interpreted as an indication that Congress contemplated that the dam might be raised in the future. Other parts of the act, however, emphasize that the project was to be completed promptly, and do not speak in terms of expansion. See, e.g., section 2, which speaks of the filing within three years of maps showing the extent of the facilities to be constructed, and section 5 which states that the "construction of the aforesaid works shall be prosecuted diligently, and no cessation of such construction shall continue for a period of three consecutive years," and authorizes a forfeiture of the rights of the grantee for failure to diligently construct. It appears from these portions of the statute that Congress intended the project to be a coherent whole that was to be *completed* within a few years after enactment.

The principal committee report confirms that the project was to be promptly constructed and that its features were not seen as openended or expandable. The House Report,[2] a copy of which is attached, explains the project at length. (The Senate Report [3] is only one page long and cross references the House Report). Reference is made to a report of the Corps of Engineers that indicate that the maximum height of the dam could be 325 feet.[4] The Committee analysis of the bill explains section 9(k) on the dam height: Paragraph (k), section 9, requires San Francisco to build a dam at least 200 feet high.

(This means that the city will expend from $500,000 to $1,000,000 in excess of initial expenditures necessary for its immediate need. The intent is to build the dam high enough to provide adequate storage to meet the conditions of the grant, and is primarily a benefit for the irrigationists.) [5]

Given the fact that the dam was to be built at nonfederal expense, the language of section 9(k) therefore appears merely to establish a minimum height to insure that the project was worthwhile, but also gives the nonfederal builders flexibility to decide how much storage was desired and how much money to spend. The balance of the language may merely have been meant to impose good workmanship requirements of the kind contained elsewhere in the bill.[6]

Section 1 of the Act indicates that the purpose of the grants is the development of a water supply and delivery system for "conveying water for domestic purposes and uses to the city and county of San Francisco and such other municipalities and water districts as, with the consent of the city and county of San Francisco, or in accordance with the laws of the State of California in force at the time application is made, may hereafter participate in the beneficial use of the rights and privileges granted by this Act." This language as to other cities is repeated in the section 8 definition of "grantee". Therefore, it could be argued that the dam could be raised in order to provide additional cities with water as they later participate in the benefits of the Act.

Again, however, the statute as a whole seems to contemplate the project as a completed whole and that these possible future needs of other towns in the San Francisco area would be reflected in the dam height and storage capacity San Francisco chose.

The scope and purposes of a project are of central importance in analyzing the extent to which a federal constructing agency such as the Army Corps of Engineers may exercise discretion to modify a project:

The 1951 Chief of Engineers' report made a comprehensive review of the scope of executive authority to modify projects previously approved by Congress, setting forth general principles as follows:

The Corps of Engineers recognize that this latitude for changes and modifications of authorized projects represents an important delegation of authority, and the Corps has attempted to exercise that authority carefully. In general, the Corps of Engineers considers that there are two types of modifications:

a. Modifications and changes of a project which are necessary for engineering or construction reasons to produce the degree and extent of flood protection or the extent of navigation improvement intended by Congress are within the latitude delegated to the Corps of Engineers. Examples of such changes are shift of a dam to a nearby better location; provision of a greater storage capacity required by more complete flood records; shifts in alinement of channels indicated by more detailed surveys; or changes from a concrete to an earth structure because of lack of proper concrete aggregate. These may be considered generally as engineering modifications.

b. Moderate extensions of project scope such as those required to provide flood protection to adjacent urban areas which have developed since the project was authorized, or to provide better channel alinement or larger navigation locks to meet the needs of developing commerce. It would obviously be uneconomical and contrary to the intent of Congress to construct obsolete projects, or to omit flood protection for a part of a city when it was the intent of Congress to authorize flood protection for that city. These may be considered generally as project modifications necessary to meet changed physical and economic conditions.

* * * * *

On the other hand, the Corps of Engineers has considered that it does not have latitude to make modifications which materially extend the scope and change the functions of the project authorized by Congress. It considers that it is necessary to bring a proposed modification of an authorized project to the attention of Congress if further study after authorization shows that:

a. The scope or functions of the project will be materially changed thereby.

b. The plan of improvement will be materially changed from that originally authorized by Congress.

c. There are special circumstances which were not known to the Corps of Engineers or recognized by Congress when the project was authorized.

No hard-and-fast rule can be cited as governing when a project modification should be presented to Congress for further consideration. Increased cost over the estimate presented to Congress as a basis for authorization is not necessarily a governing criterion, as the major factors giving rise to increased costs are separate and apart from the intent of Congress in authorizing an improvement, and as the Appropriations Committee of Congress are advised of cost changes year by year.[7]

Increasing the height of this dam might well be beyond the authorization in this instance even for federal construction as a modification that would materially change the scope of the project in response to circumstances that Congress clearly was aware of in the first authorization. Congress gave San Francisco the opportunity to determine in the project planning how much storage capacity to build. Also, in the years since the completion of the project, there has developed increased recognition of the conservation values of National Parks and of environmental concerns in general. This development lends credence to the argument that enlarging the dam and reservoir constitutes a significant modification of the project for which new authority is needed.

Furthermore, the dam actually was constructed by nonfederal entities. To increase the dam and hence its storage capacity would, of course, raise the level of the water in the reservoir, thereby submerging the surrounding lands. The documentation of the 1913 Act indicates that much of this land is federal and is within a national park. Section 9(t) of the Act required the grantee to convey to the United States title to any and all tracts of land then owned by the grantee within Yosemite and the part of the national forest adjacent thereto. Therefore the lands that would be submerged appear to be federal, and they could not be submerged and their value impaired or destroyed without the consent of Congress. Congress is granted the authority to dispose of federal property under Art. IV, Section 3 of the Constitution and this authority cannot be interfered with or embarassed in its exercise by state legislation.[8] If the 1913 Act cannot fairly be said to grant Congres-

Footnotes at end of letter.

sional consent and authority, new authorization must be obtained.

In summary, new authorization seems to be necessary to increase the height of this dam now because: 1) the 1913 Act appears to have intended the project to be constructed and completed shortly after authorization; 2) the 1913 Act appears to have included the general language as to the height of the dam to give the nonfederal builder the flexibility to choose the desired height within a certain range; and 3) federal lands, including park lands, would be flooded by the proposed increase.

We hope this information is useful to you.

PAMELA BALDWIN,
Legislative Attorney,
American Law Division.

DECEMBER 19, 1983.

FOOTNOTES

[1] Act of December 19, 1913, c. 4, 38 Stat. 242.
[2] H.R. Rep. 41, 63d. Cong., 1st Sess.
[3] S. Rep. 113, 63d. Cong., 1st Sess.
[4] H. Rep., supra., at 18.
[5] Ibid., at 14.
[6] See, e.g. section 4 requiring structures to be "sightly and of suitable exterior design and finish" and section 9 on proper sanitation regulations for reservoirs.
[7] *Environmental Defense Fund, Inc.* v. *Alexander*, 467 F. Supp. 885, 900-901 (N.D. Miss. 1979), citing a 1951 Report on the Federal Civil Works Program as Administered by the Corps of Engineers, Appendix C. 82d Cong., 2d Sess.
[8] *Gibson* v. *Chouteau*, 13 Wall. 92, 99, 80 U.S. 92 (1871).

The SPEAKER pro tempore. The Chair would observe at this point that the gentleman from Arizona [Mr. UDALL] has 9 minutes remaining and the gentleman from Alaska [Mr. YOUNG] has 12 minutes remaining.

Mr. YOUNG of Alaska. At this time, Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. PASHAYAN].

Mr. PASHAYAN. I thank the gentleman for yielding to me at this time.

Mr. Speaker, I rise with some reluctance, but I do rise in opposition to the Senate amendments to H.R. 1437, and I do so knowing that had a more open rule been provided, we could have been closer to a consensus on this issue.

There remain some serious conflicts in use throughout the areas delineated in the legislation. We are stifling economic growth by mandating unemployment not only in central California but in northern California, where the economy has not yet recovered by additions to the Redwoods National Park.

In my 17th Congressional District, which encompasses both the Sierra and Sequoia National Forests and 21 percent of the lands impacted by H.R. 1437, only four lumber mills operate. The question the lumber operators pose to me is "Which of the three of us shall survive if this legislation shall be passed?" I cannot answer this and I cannot participate in legislation that so overtly forces that magnitude of economic discrimination.

As I have stated each of the three times the House Committee on Interior and Insular Affairs has reported this legislation, recreation as a general issue is going to be greatly restricted. Miles of roads and trails built and maintained by organized of road vehicle and bike clubs are purposely included in wilderness so that the people will be denied the use or further restricted in the use of public lands. Indeed, I envision locked gates, artificial barriers, and more mistrust of the Federal Government as the purity of the legislative effort today is translated into the reality of regulation tomorrow.

I have stated repeatedly that neither H.R. 1437 as passed by the House or amended by the Senate are compromises. The compromises that many of us prefer is between 900,000 to 1.4 million acres of more wilderness, 2.7 million acres in further planning, and 2.6 million acres designated as nonwilderness. Instead, we are today looking at 1.8 million acres as wilderness and 1.8 million acres of further planning—de facto wilderness—and 1.6 million acres released for all other uses.

In conclusion I should like the record to show that what is being done today in the peoples' name might well become the bellweather of an observation made to me by a constituent. It is his contention that wilderness designation has a detrimental environmental impact of the Federal estate because it forces all uses of the remaining public lands to become concentrated to an intensity destructive of the land itself.

When the remaining lands require protection for the excessive use by the public that demands more and more recreational opportunities, great restrictions will be placed so that to enjoy the multiple-use lands managed by the Forest Service, the National Park Service, and the Bureau of Land Management will require permission that will be difficult to obtain. I hope he is wrong, but I am aware of these conflicts already developing.

But for reconsideration of some 300,000 to 400,000 roadless acres of forest lands, I, too, could support much of what has been accomplished. But I have had to struggle against inflexibility and in doing so I hope that those so eager to day to set aside so much for so few will be willing to revisit that which we are about to commit in a few years.

I yield back the balance of my time.

Mr. UDALL. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Speaker, I rise in strong and enthusiastic support of H.R. 1437, the California Wilderness Act. We will consider few, if any bills this entire Congress which will have such a visible and lasting impact upon the people and the land of California.

It has taken a lot of work to bring us to this exciting day. Our late colleague Phillip Burton first introduced this legislation on February 15, 1983. Since that time H.R. 1437 has gone through an extraordinary process of review, debate, and consideration. Many fine legislators have worked to craft the sound legislation now before us.

Others today will speak about the significance of the creation of $1.8 million acres of wilderness; and the creation of the Mono Basin National Forest Scenic Area. I would like to take a moment and speak about another aspect of this bill, the protections that are afforded the Tuolumne River and the camps along that river.

The Tuolumne offers a unique combination of premium whitewater for sports enthusiasts, superb troutfishing, and breathtaking wilderness. This river gives protection to endangered plants and animals, as well as providing hydropower and irrigation water to the surrounding area.

Most of all, the Tuolumne offers a place of quiet refuge from the noise and clamor of our modern life. The river has a majesty and a beauty well worthy of the protection we are providing it today.

I am familiar with this river in large part because of my association with the San Jose Family Camp, one of several such facilities along the Tuolumne. As a member of the San Jose City Council in 1968, I helped negotiate the acquisition of the camp. A few years later, during my term as mayor, the camp was opened and has been serving our community ever since. Every year, over 7,000 people visit the camp, and for many this is their first and only experience in true wilderness.

And running right down the middle of the camp is the Middle Fork of the Tuolumne River. The river truly is the lifeblood of our camp.

The provisions of the bill before us protect the Tuolumne. For this reason alone, I would fight for its passage. I believe the Tuolumne provisions, which were added to this bill as part of a compromise worked out in the other body, are sound, reasonable and balanced.

Furthermore, it is my intention that nothing in the language before us shall be construed as allowing the construction or operation of any future water resources facility which would be incompatible with protecting the integrity of the San Jose Family Camp and the other such facilities along the river.

On behalf of the people of San Jose, who use our camp and the river as a place of family recreation, I ask adoption of this bill.

Mr. UDALL. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. TORRES].

Mr. TORRES. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise today to express my strong support for the California

Wilderness Act. The passage of this bill today will be a fitting tribute to its author, a man who dedicated himself to preserving and protecting our natural resources, the late Phil Burton.

The bill is a carefully fashioned compromise measure. It protects this Nation's dwindling wilderness resources while allowing reasonable use of those areas which are not environmentally sensitive. It is the product of many years of study, debate, and negotiation.

I am gratified that this legislation adds the Tuolumne River to the National Wild and Scenic Rivers System. California's Tuolumne River is a treasure of the wilderness, one of the State's most magnificent scenic areas. In addition, H.R. 1437 creates a Mono Basin National Forest Scenic Area. This will protect the outstanding natural values of the Mono Basin, preserving vital and sensitive wildlife habitats.

California and the Nation needs this legislation. By passing this bill now we will be protecting 1.8 million acres. We will be resolving the California lawsuit on RARE II. We will be doing what Phil Burton would want us to do—setting aside these areas so future generations can enjoy some of the most beautiful wilderness in the country. I urge my colleagues to vote in favor of H.R. 1437 to affirm and continue our role as the careful steward of our land.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California [Ms. FIEDLER].

Ms. FIEDLER. Mr. Speaker, I rise in strong support of H.R. 1437, the California Wilderness bill. Although the scope of the bill has been reduced in acreage that the House has wanted to see, it does represent a reasonable compromise. And, when this legislation is passed and signed into law it will provide vital protection for wilderness lands in California.

While others will speak today on various portions fo the bill, I would like to concentrate my remarks on the Senate's wise inclusion of the Tuolumne River in this legislation. I am a cosponsor of legislation that would do exactly what is being done here—including 83 miles of the Tuolumne River in the Wild and Scenic River System.

The Tuolumne is a perfect example of the balanced use of our natural resources. Rising out of the Yosemite National Park, the Tuolumne provides a paradise for more than 137,000 campers, back packers and cross-country skiers annually. The 83 miles to be left free of development have some of the best white water rafting areas in the country. More than 400 species of birds and animals live along the river and the river itself is abundant with game fish. It is truly and environmentalist's and sportsmen's paradise.

At the same time, this river currently provides 2 percent of all the electricity generated in California, provides drinking water for 3 million people and irrigates 200,000 acres of prime farmland.

Once again, Mr. Speaker, I must compliment the Senate for including the Tuolumne in H.R. 1437 and I urge passage of the California Wilderness bill by the House.

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Mr. UDALL. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. Bosco].

Mr. BOSCO. I thank the gentleman for yielding this time to me.

Mr. Speaker, I voted against H.R. 1437 when it came before the House last year. I did so because I believed we could craft a better California Wilderness bill that more closely reflected the economic needs and concerns of my district, which accounts for nearly one-third of the acreage in the bill now before us. It was not an easy task, but I believe we have been successful in that effort, and I rise today in strong support of this legislation.

I represent one of the areas that has been at the heart of the California Wilderness controversy. The counties in and around the Trinity Alps, the Siskiyous, and the Yolla Bolly are heavily dependent on the timber, fishing, and tourism industries. The rugged mountains supply timber to feed our sawmills. The clean waters of their rivers and streams produce the salmon and steelhead that support our fisheries. Thousands of visitors come every year to camp and fish and hike and enjoy the scenery.

Because natural resources play such a major role in our economy, the issue of preservation versus development is much more than an abstraction on the north coast. It has been a dominant source of political conflict for nearly 20 years, and the wilderness controversy only deepened the divisions in the communities I represent.

I believe the time has now come for us to put these divisions behind us, to provide permanent protection for the finest of our wilderness areas and proceed with the development and wise management of the lands available for resource production. Further delay will only prolong the uncertainty over national forest timber supplies, the future of our valuable wilderness lands, and the long-term stability of the local economy.

This legislation will preserve for present and future generations nearly 1.8 million acres of national forest lands with unique wilderness value. More than 1.3 million acres of productive timberland that would otherwise remain tied up in studies and lawsuits will be released immediately for multiple use management and development. Planning for the remaining lands where the Forest Service deferred any final recommendation will be able to proceed in an orderly manner. Perhaps equally important in terms of the certainty it provides, the release language makes it clear that Congress intends this legislation to put the issue to rest, and lands not designated wilderness now will not be reconsidered for at least 10 years.

This landmark legislation is the product of years of hard work and difficult negotiations among the California delegation, particularly on the part of our late colleague Phil Burton, Chairman SEIBERLING and Chairman UDALL, and our distinguished California colleagues in the other body, who deserve special credit for their persistence in pursuing the agreement that had so long eluded us. I believe this bill provides a balanced resolution of this longstanding controversy, and I urge my colleagues to support its adoption.

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

Mr. Speaker, to put things in perspective, if I may, we hear a lot about the California wilderness bill. In my opening statement I mentioned that I do not believe anybody in this body is against wilderness, but for some reason we hear that lands have been released. By whom? By this bill. But they were actually put into a holding position by an act of Congress and an act of the court because of the congressional action.

We did not gain any new lands. I think the reason I object to almost all wilderness bills that come to this floor is because those Congressmen in those districts are not truly represented in this bill. The people who they represent are being deprived of livelihoods, and worst of all, the resources that this Nation must have are not identified.

Every conflicting hearing we have had on all State wilderness bills has been those interest groups that call themselves environmentalists, and I call them self-preservationists, knowing full well that there is the oil and the gas and the coal and the minerals and the timber and the hydropower that made this Nation great.

God created the wilderness and there are other areas of wilderness out there that will never have any interference from man because there is no conflict, and those are the areas that should be designated by this Congress as wilderness areas if we want to just go out and create vast areas of wilderness.

We hear this is for the future generations. I can suggest to my colleagues that the future generations are being deprived, through actions such as this, of those things that we

need to maintain our economic and security positions in the world.

I was sitting listening to the debate, and everyone has his opinionated position on this bill, but what would have happened if Christopher Columbus had arrived on the east coast, and the Sierra Club, and the Friends of the Earth, and all the other organizations were around? We would have had a fine wilderness, but we would have had no Statue of Liberty, no opportunity, no vast shores and land to give to those poor and unfortunate people.

The fact is, if we had this type of action in the Congress, if there was a Congress at that time, and even in 1776 and 1778 and even 1800 we had this type of action, would we be able to, as we just announced yesterday, take in the prisoners in Vietnam or other areas of the world and give them an opportunity, such as from Ireland and Italy and France and Germany and Russia and England? Would we have the opportunity to, yes, give a position for those who come from the Hispanic speaking nations? I say no.

I am suggesting respectfully that in actions we take on this floor with every wilderness bill, we are not considering the future generations. We are not giving the hopes and dreams to them that the people who came to these shores had—an opportunity for land, an opportunity for advancement, an opportunity for freedom—because when we take Government land, it is already owned by the people, and then reclassify it by an act of Congress into a restrictive classification, we deprive the people from the utilization of those lands and the benefit they can achieve from those lands.

So we say this in great shining armor, that this is a great act for the future generations. I say that is not true. If we were honest with ourselves, we would say we must study the wilderness; we must know what lies under the ground and what is above the ground; and what are the needs for the future generations?

I know on that side of the aisle, and some of those special interest groups, will tell you "When we need them, we will go get them." Who is the "we"? I will tell you who the "we" is; it is the U.S. Government. That may sound good, Mr. Speaker, to many people, but I will tell you that if you believe in the environment, the U.S. Government is the most dangerous of all the people who violate the environment. It is the private sector that does the best job, and it can be regulated by this Congress, which we have done.

So I know that the gentlemen from California, Mr. SHUMWAY, Mr. DANNEMEYER, Mr. CHAPPIE, and Mr. PASHAYAN, who have spoken against this bill because it affects their districts will not be listened to, but these types of legislation that create wilderness without due study, without due deliberation on the other effects upon future generations, are incorrect.

For the record, each time one of these bills come to the floor, I am going to speak for the future generations. Not the present generation of this Congress, but the future generations that will not have the hopes and the dreams of those people across the Atlantic and, yes, the Pacific, who come to our great shores to improve their lives, because we are taking their dreams away from them under the guise of the environment. The environment is man, and man's lack of ability to legislate and to manage that land is wrong.

Mr. Speaker, I urge my colleagues to oppose this bill, knowing full well that the votes are not there, but go down in history as standing for the future, not the selfish present but for the future, and let us be managers of the land. Let us not make the mistakes, but let us manage the lands as we should and give the opportunity to the future generations.

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Mr. UDALL. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Speaker, I rise in strong support of H.R. 1437, the California Wilderness Act of 1984. This measure represents the unfinished dream of our late friend and colleague, Phillip Burton, and is living testament to the work and dedication of a man whose lifetime goal was protecting our Nation's natural resources.

H.R. 1437 adds 1.8 million acres of national forest land in California to the National Wilderness Preservation System. This figure was arrived at after a year of complex and arduous negotiations between our two California Senators and Members of the House, and represents a compromise that truly balances the needs of competing forest users. The Minarets and San Joaquin Wilderness Areas designated by H.R. 1437 would be named after one of the greatest conservationists of this century, photographer Ansel Adams. Ansel was a good friend and resident of my congressional district until his untimely death in April of this year, and I am grateful that we are paying this tribute to him today.

I am also very pleased to note that H.R. 1437 will add a small parcel of forest area in my district to the Ventana Wilderness, helping to complete watershed protection for the scenic Tassajara Creek. This small 2,750-acre parcel contains a plethora of wildlife and is adjacent to the historic Tassajara Hot Springs.

The release language contained in H.R. 1437 helps to resolve the lingering dispute over RARE II study in California and will allow for the development and multiple use of almost 1 million acres of forest area now restricted by court order. This compromise language provides for the protection of our most precious wilderness gems while at the same time permitting important timber, water, ski, mining, powerline, and other development projects to proceed.

Title II of H.R. 1437 adds an 83-mile stretch of the Tuolumne River to the Nation's Wild and Scenic Rivers System. This strand of liquid crystal is one of the most beautiful and productive white water rivers in the Nation, and I am very pleased to support its protection for future generations.

Mr. Speaker, H.R. 1437 is a tribute to the dedication and farsighted vision of our departed colleague, Phil Burton. I am saddened that he is not with us today to enjoy the fruits of his hard work and legislative skill. Yet I am heartened by the opportunity to approve legislation which helps fulfill one of Phil's basic ideals, the proper stewardship of California's great natural treasures.

I urge my colleagues to support this legislation.

Mr. UDALL. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. PATTERSON].

Mr. PATTERSON. Mr. Speaker, it is with great pleasure that I rise in support of H.R. 1437, the California wilderness bill. For more than 4 years, the fate of millions of roadless acres in California has been unknown. Although the House of Representatives passed California wilderness bills in the 96th and 97th Congresses, the measures died in the Senate. It is no secret that members of the House and Senate committees with jurisdiction over wilderness legislation disagreed over the amount of acreage to be included and the language governing the management and future review of lands studies for potential wilderness designation by the Forest Service. But today, instead of focusing on the conflicts, I want to stress the tremendous forces of cooperation that have inspired this compromise bill.

This great compromise designates 1.8 million acres of national forest and BLM land in the State of California as wilderness, an amount almost exactly in between the original bill and the Forest Service recommendation. In addition, it mandates another 96,000 acres for wilderness study and designates some 1.4 million acres of land in Yosemite and Sequoia—Kings Canyon National Parks.

The bill also adds 83 miles of the main stem of Tuolumne River to the Wild and Scenic Rivers System and creates a Mono Basin National Forest Scenic Area.

Most of the proposed wilderness areas are in northern California, since that is where the great majority of scenic, undeveloped areas are in the

State. However, the bill also includes areas in southern California. Although southern Californians, like myself, travel to recreation areas throughout the State, these pockets of wilderness in our own backyard are especially important.

Mountains and still-wild areas surround the Los Angeles Basin and San Diego forming a "rim of wilderness" in southern California. Most of these pristine areas are not huge—the total acreage is only 302,800 acres—but their proximity to southern California's primary population centers give them importance beyond their size. For urban dwellers in my district, the knowledge that San Mateo Canyon Wilderness is within an hour's drive offers peace of mind in the bustle of daily living.

I mention San Mateo Canyon because it is the only area which lies in Orange County, directly adjacent to my district. It is indeed a miracle that this 40,000 acre parcel has remained relatively untouched amidst the explosive growth of Orange County. It is steep canyon country, dropping 3,000 feet from the mountains to the coastal plain. The canyon is largely chapparal but is dotted with natural pastures. San Mateo Creek swells up during warm winters, and its waterfalls and swimming holes attract hikers from throughout southern California. We are truly fortunate that we still have the opportunity to protect this beautiful area so near our urban center.

As a member of the Public Lands and National Parks Subcommittee of the House Interior Committee, I have been involved in decisions regarding some of the finer points of this legislation. In testimony I gave before the Senate Subcommittee on Public Lands and Reserved Water, I indicated the importance of provisions in this bill regarding the control of fires. This legislation restates provisions in the 1964 Wilderness Act directing the Forest Service to use whatever measures necessary to control and prevent dangerous wildfires. This aspect is so important to areas in southern California, like San Mateo Canyon, that are part of ecosystems in which fire plays a major role.

As a final note, I wish to acknowledge the tremendous contribution that the sponsor of the California Wilderness Act, the late Honorable Phillip Burton, made to this bill. The bill we pass today stands as a tribute to his vision and diligent work. Chairman SEIBERLING and Senator ALAN CRANSTON must also be congratulated on their stewardship of this important legislation.

Mr. UDALL. Mr. Speaker, I yield 1 minute to the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. Mr. Speaker, I am pleased to add my voice in support of the California wilderness bill. This legislation will add magnificent acres of national forest lands to the Nation's wilderness system to be protected forever.

In addition, H.R. 1437 designates the Tuolumne as a Wild and Scenic River. The Tuolumne, which originates in Yosemite National Park, is one of the Nation's three top-rated whitewater rivers. I have been on the Tuolumne with my family and several of my colleagues, and it is indeed wild and magnificent. My fear, as I rafted down that river, was that my grandchildren would never have that opportunity. Now my fears will be unfounded as we pass this great legislation.

The Tuolumne is the best wild trout stream in the Sierra Nevada, and it is the home of three large family camps, including Camp Tawonga, which is enjoyed by many of my constituents. I am pleased that this legislation also protects these family camps located on the tributaries of the Tuolumne and insures that any development activity not adversely affect the camps.

I am proud to join with my colleague from San Francisco, the gentlewoman from California, Mrs. SALA BURTON, who has worked so tirelessly for this bill. She is doing it because she cares about the environment, and she is doing it as a legacy to her great husband, Phillip. I am also proud to stand with our two Senators from both political parties in support of this legislation, H.R. 1437, a bill that protects our vital natural resources for generations to come.

The SPEAKER pro tempore. The gentleman from Arizona [Mr. UDALL] has 2 minutes remaining.

Mr. UDALL. Mr. Speaker, I yield my remaining time to the gentlewoman from California [Mrs. BURTON].

Mrs. BURTON of California. Mr. Speaker, this final, balanced product bears the imprint of many contributors and supporters. Senators CRANSTON and WILSON were truly outstanding in their attempts to achieve a settlement of this longstanding dispute and I applaud their negotiating skills and tireless efforts in reaching this goal.

Chairman UDALL, of the full Interior Committee, and Chairman SEIBERLING, of the Subcommittee on Public Lands and National Parks, were superb in the attention, energy, and leadership they devoted to this cause.

I would also like to commend the California members who were active, in not only supporting this initiative, but in shaping its contents. Of special note, Mr. LEHMAN, Mr. BOSCO, Mr. EDWARDS, and even Mr. COELHO who had reservations on certain parts of this bill and yet worked with us and just voted for the rule. I am most appreciative.

The bipartisan endorsement provided by five of our Republican colleagues created a base of consensus from which we enlarged our support and I appreciate their involvement very much. My expressions of gratitude would be incomplete without praising the House and Senate committee staffs, environmental organizations, community groups, and other leaders who offered their considerable talents to this endeavor.

Mr. Speaker, I particularly want to thank the environmental groups in the State of California and across the Nation—they did yeoman's work on this legislation. Some of them are witnesses here today and, I am sure, are enjoying this moment.

This is a very special day for me and a great day for California. Our actions today will affect many generations to follow and I am proud to be a part of this effort to insure that our children and their children will have a portion of their natural heritage left unspoiled.

I ask my colleagues to join me now in voting for final passage of H.R. 1437. Thank you.

The SPEAKER pro tempore. The time of the gentlewoman from California [Mrs. BURTON] has expired.

● Mr. ZSCHAU. Mr. Speaker, I consider it an honor to rise in support of this historic legislation. Californians have awaited this day for some 20 years. Now, thanks to a bipartisan effort in the other body, California will finally have a comprehensive wilderness plan.

I am particularly pleased that H.R. 1437, as amended by the other body, adds the Tuolumne River to the National Wild and Scenic Rivers System. The uniquely outstanding characteristics of the Tuolumne are well known. John Muir heralded the qualities of the Tuolumne back at the turn of the century, and his effort to stop the flooding of the Hetch Hetchy Valley in Yosemite National Park gave rise to the Sierra Club. Since that time, five dams and five powerhouses have been built on the Tuolumne, making it one of the most productive energy and water sources for residents and agriculture in California. In balance with the residential, irrigation, flood control, and power uses, the Tuolumne has come to accommodate recreation, diverse wildlife, and natural values as well.

The Tuolumne now is one of the most noted and popular recreational rivers in the United States. While the river has served the growth of California both in the San Joaquin Valley and the San Francisco Bay Area, it also is important to the thousands of people each year who travel down its exhilarating white water rapids and camp and fish along its quiet gentle tributaries.

The joint wild and scenic study completed by the U.S. Departments of Agriculture and Interior in 1979 recognized as outstandingly remarkable the

Tuolumne's values as a recreational masterpiece, a sheltered habitat for diverse wildlife, and a superior trout fishery, and by its positive recommendation for wild and scenic designation focused national attention on the 83 miles of the Tuolumne River between Hetch Hetchy and Don Pedro Reservoirs.

I believe that the Tuolumne River in its present balance of uses is an excellent example of what the Wild and Scenic Rivers Act was meant to do: To preserve for future generations the most outstandingly remarkable portions of our Nation's rivers in their natural values in balance with their productive values. That's why it is so appropriate for this legislation to include the designation of the Tuolumne River as wild and scenic.

Although we must preserve the unique qualities of the Tuolumne River for future generations, we must also be open to the possibility of future energy development which might be compatible with the characteristics that qualify the Tuolumne for wild and scenic designation. Specifically, the feasibility studies begun by the Modesto and Turlock Irrigation Districts pursuant to issuance of a preliminary permit by the Federal Energy Regulatory Commission in April 1983, have proved to be useful in several ways.

These studies, designed to determine the technical and economic feasibility of a project and its consistency with all local, State, and Federal environmental, energy, and economic tests, will provide the most extensive cataloging to date of the Tuolumne River's particular characteristics. This data will be an asset to the management of the watershed for future use of any kind. Importantly, the continuation of the unprecedented, detailed studies can lead to options and alternatives for energy development which we could not have conceived ahead of time.

For example, engineering and water flow studies by the irrigation districts led to the proposal of the Ponderosa project, which presents a better alternative than the old Clavey-Wards Ferry project. While I do not support the Ponderosa alternative as presently constituted, its development is a step in the right direction and shows that the studies may eventually lead to a development plan consistent with a wild and scenic Tuolumne.

Congress will never know unless the current studies are completed. I believe the studies should continue. According to the Chairman of the Federal Energy Regulatory Commission, Raymond J. O'Connor, in a February 17, 1984, letter to our colleague, the gentleman from New York [Mr. OTTINGER], completion of the studies is already permissible under current regulations, even after a decision to designate the Tuolumne as a wild and scenic river. The letter reads: "The Commission may issue a preliminary permit * * * for a proposed hydroelectric project on a river designated as a component of the National Wild and Scenic Rivers System." Chairman O'Connor goes on to explain that such a preliminary permit, like that issued last year to the irrigation districts and San Francisco, maintains priority of the application for a development license while the permittee completes the necessary studies.

I cannot emphasize enough that only Congress, representing all the people of California and the Nation, should make the ultimate decision about whether further energy development is compatible with the protected river in all its uses. Moreover, after completion of the studies, the burden of proof should be on the sponsors of the studies—the Modesto and Turlock irrigation districts—to convince Congress that the results warrant issuance of a license for development of their final proposal.

I would also like to emphasize that the intent of the act has always been that any tributary development on the North, Middle or South Forks of the Tuolumne River and the Clavey River would be consistent with maintaining the integrity of the three family camps on the forks: the San Jose Family Camp, the Berkeley Tuolumne Camp, and Camp Towanga. It has always been assumed and expected that the construction, operation, and maintenance of any tributary projects shall not have an adverse effect on these camps, nor on the community of Hardin Flats, as established as of the date of enactment of this bill.

Mr. Speaker, the California Wilderness Act is a victory for all the people of California. I strongly support this bipartisan effort, and urge my colleagues to vote for the passage of H.R. 1437 as amended by the other body.●

● Mr. BROWN of California. Mr. Speaker, today we will vote on H.R. 1437, the compromise California Wilderness Act of 1984. I rise in hearty support of this important legislation. As you know, legislation to set aside additional wilderness areas in California has been considered in Congress for several years. Members of the committees, as well as the two Senators from California who drafted the compromise legislation, have spent an extensive amount of time and effort to come to an agreement on this legislation.

H.R. 1437 designates as wilderness 1.8 million acres of national forests in California, including the establishment of an 83-mile stretch of the Tuolumne River as part of the National Wild and Scenic Rivers System. Also of great importance is the establishment of a 66,000-acre Mono Lake Basin scenic area. This bill, which has been logjammed in Congress for years, will be the largest wilderness protection measure since the 1980 Alaska Land Act.

I am a strong supporter of the wilderness system. While we open up several portions of Federal lands for logging, grazing, and recreational use, including hunting and off-road vehicles, it is important to set aside a portion of our more vulnerable wilderness to ensure it remains intact and undamaged. The inclusion of the designated areas into the wilderness system will preserve these beautiful resources for our children and for future generations. Californians, as well as visitors from around the country, will be able to enjoy these unique and scenic areas unchanged by man.

The California Wilderness Act was originally authored by the late Phil Burton. He was an avid supporter of this legislation and spent many hours working to have it passed into law. Last year, the House passed legislation which would have set aside an even larger portion of Federal lands in California. Final passage of H.R. 1437 this year would serve as a tribute and memorial to our colleague from San Francisco.

Mr. Speaker, while I supported a larger acreage set-aside, I recognize the importance of this compromise package, and fully support its passage. I urge my colleagues on both sides of the aisle to do the same.●

● Mr. LOWERY of California. Mr. Speaker, I rise in support of H.R. 1437, the California Wilderness Act and I urge my colleagues in the House to vote in favor of this much needed and long-overdue legislation.

It has been over a year since the House passed H.R. 1437. After long delays in the Senate, the bill is now before us for final approval. Mr. Speaker, the House of Representatives cannot afford to reject H.R. 1437 at this time. This compromise measure is a well-balanced product of considerable examination and debate that represents a consensus of views among the various parties concerned. H.R. 1437 not only deals with California Wilderness lands, but embraces two other very important issues for our State.

First, and perhaps most important, H.R. 1437 adds 1.8 million acres of national forest lands in California to the national wilderness system. This acreage is exactly midpoint between what was proposed in the original bill and what the Forest Service recommended for inclusion—less than one-third of total eligible lands. As a native San Diegan, I am especially appreciative of the fact that included in H.R. 1437 are about 13,000 acres in the Caliente, Pine Creek, and Silk Hill sections of my own San Diego County.

H.R. 1437 also resolves the lingering RARE II lawsuit in our State and allows development and multiple use on almost 1 million acres now restricted by court order.

Second, H.R. 1437 designates the Tuolumne as a wild and scenic river, as recommended by the Park Service and Forest Service in their 1979 study and environmental impact statement. As a cosponsor of House legislation to designate the Tuolumne as a wild and scenic river, I believe that this section of the bill is both a reasonable addition to the earlier House-passed version of the wilderness bill and also that it should be supported without amendment.

Third, H.R. 1437 creates a Mono Basin National Forest Scenic Area to protect the outstanding natural values of the Mono Basin, and authorizes a 3-year scientific study of the ecology of the area.

Mr. Speaker, as a native Californian, I grew up learning to appreciate the natural beauty of our great State. H.R. 1437 is necessary to ensure that my children can grow up with the same access to some of the most beautiful and valuable wilderness in the United States as I had.

Mr. Speaker, we cannot allow our California natural heritage to be the victim of negligent stewardship. Therefore, I rise to urge my colleagues to join me in wholehearted support of the California Wilderness Act.●

● Mr. STARK. Mr. Speaker, I would like to strongly urge my colleagues to support the California Wilderness Act. This legislative compromise is a great victory for the many involved. Congratulations are especially due to Congresswoman BURTON, Congressman UDALL, Congressman SEIBERLING, the hard work of Senator CRANSTON, and to Senator WILSON.

First, the passage of this legislation would be a great tribute to one of our late colleagues, Congressman Phil Burton. The original California wilderness legislation that passed the House was crafted by Congressman Burton. He would probably be a little disappointed that the current bill is several hundred thousand acres less than in the original bill he worked on. Nevertheless, the 1.8 million acres for wilderness designation make it worthy of passage.

In a bill that protects great natural wonders, there are two particularly outstanding jewels included. One is the 83 miles of wilderness designation for the Tuolumne River. This incredible river roars out of Yosemite National Park providing some of the greatest white water rafting in the country. An enormous amount of hard work has gone into getting the Tuolumne included into the National Wild and Scenic River System. The Tuolumne River justly deserves the protection of the wild and scenic designation.

The second jewel included in the bill, Mr. Speaker, is the establishment of Mono Basin National Forest Scenic Area which has as its center piece Mono Lake. This unique lake has been inspiring explorers, poets, photographers, and just plain folks since the first written record of Mono Lake. Though this bill does not protect the water level of Mono Lake, it is a beginning of the official Federal recognition of the absolutely stunning beauty and diversity of this area.

But the other wilderness areas to be protected are themselves noteworthy. One only has to look at the Senate report describing the various wilderness areas. Spectacular is a word that is justly used over and over. The Russian Peak Wilderness is described as including perhaps "one of the richest and most diverse forests in the world."

The wilderness that you are being asked to vote for today has inspired some of the greatest conservationists in our history. This is the land of Ansel Adams and John Muir. The bill provides additions to the existing John Muir Wilderness and the creation of the Ansel Adams Wilderness.

We need to pass the legislation today. Let it be a tribute to the conservation efforts of Phil Burton. Let us provide a place for golden eagles, mountain cougars, and steelhead salmon to survive and even thrive. Let us protect verdant forests, lush valleys, and towering sculptures in stone. Let us keep some of the beauty of California's natural past and pass it on to future generations to wonder at and enjoy.●

● Mr. EDWARDS of California. Mr. Speaker, I rise in support of H.R. 1437, the California wilderness bill. By reaching a compromise on H.R. 1437, and guiding it through the other body, Senator CRANSTON and Senator WILSON have achieved a victory that many had thought impossible. Their skill and diligence during these past months has resulted in a well-deserved and grand tribute to the bill's original author, our dearly missed colleague, Phil Burton. Phil, although a man who was more at home in the city, was also endowed with a special understanding of the joys and beauty of undisturbed wilderness.

H.R. 1437, as amended by the Senate, is a finely crafted bill that preserves California's true gems. The measure sets aside for future generations 1.8 million acres of wilderness, including the magnificent Trinity Alps and San Joaquin area, which will be fittingly named the Ansel Adams Wilderness. It also designates Mono Lake as the Mono Basin National Forest Scenic Area, and declares the main stem of the glorious Tuolumne as a component of the Wild and Scenic Rivers System.

Although the bill does not afford wild and scenic status to the tributaries of the Tuolumne, I feel strongly that the community of Hardin Flat, the San Jose Family Camp, the Berkeley Tuolumne Camp, and Camp Tawonga—all located on the Tuolumne's tributaries—should be preserved. The impact on these areas should be a major consideration in reviewing any proposal to develop hydroelectric facilities on the tributaries. If development would destroy these special recreational communities, it should be rejected.

When the Senate passed this wilderness bill, California Senators ALAN CRANSTON and PETE WILSON expressed their intent that development would be allowed on the tributaries, so long as it would not adversely affect the family camps or the community of Hardin Flat. I would like to highlight that their understanding and intent is shared by me and other cosponsors of the House Tuolumne bill, H.R. 2474. I know that I speak for many of my colleagues in saying that we will continue to closely watch the situation on the tributaries to ensure that the community of Hardin Flat and the three exceptional family camps are shielded from any water projects which may later be considered.

For years the House and Senate have been unable to reach an agreement on a California wilderness bill. This year, finally, we have the opportunity to set aside from development, acres of pristine and beautiful land. Nature has bestowed many gifts upon California. With the passage of H.R. 1437, we can pass the gifts of mountains, rivers, and lakes on to our children and our children's children so that they can continue to relish the beauty of unspoiled wilderness.

I wish that Phil was here with us today. The California wilderness bill was one of his greatest priorities. I know he would have been proud to see H.R. 1437 finally acted upon by both the House and Senate. Phil fought hard and long for this legislation. Those of us who knew and loved him now carry his determination. I urge my colleagues to vote in favor of H.R. 1437.●

● Mr. LEVINE of California. Mr. Speaker, I rise in support of H.R. 1437, the California wilderness bill. This bill was authored by a dear friend, our former colleague, Congressman Phil Burton. Phil dedicated his life to the protection of our precious natural resources. I can think of no better salute to Phil than passing this monumental legislation, which was so dear to his heart. The bill preserves some of California's most beautiful scenic areas.

Designating California wilderness areas has been a very controversial endeavor. I commend California's Senators ALAN CRANSTON and PETE WILSON for their diligent efforts to find a balanced solution. The compromise

agreed upon by Senators ALAN CRANSTON and PETE WILSON represents a tremendous breakthrough in what has been a 6-year deadlock. This bipartisan agreement is a reasonable approach to protecting millions of acres of California wilderness, while encouraging economic development and recreational activities. The bill designates 1.8 million acres of new national forest wilderness, a wild and scenic Tuolumne River, and a Mono Basin National Scenic Area.

H.R. 1437 includes the text of a bill I have cosponsored, H.R. 2474, legislation which would designate 83 miles of the Tuolumne, from its source in Yosemite National Park to the Don Pedro Reservoir, as a part of the Wild and Scenic Rivers System. This would protect the river from further development and allow the area to be managed in accordance with its present use as a natural and recreational resource.

In the past, attempts to protect Mono Lake have been met with a great deal of controversy. It has been an emotional issue, which has pitted northern Californians against southern Californians. A number of civic leaders in the Los Angeles area have, in the past, opposed legislation to protect Mono Lake out of concern that its passage could result in a serious shortage of water for Los Angeles and other areas in southern California.

Through the efforts of our colleague, Congressman RICHARD LEHMAN, a compromise was reached in the form of H.R. 3356, which enjoys the support of the city of Los Angeles. I believe it is sound legislation, and I sponsored the bill. This bill passed the House by unanimous consent.

H.R. 3356 has been incorporated in H.R. 1437. The bill creates a Mono Basin National Scenic Area to protect this precious area. It also authorizes a 3-year scientific study of the area. Language has been added to underline the fact that this bill and the management plan to implement it will be consistent with Los Angeles' water rights under the laws of California. With the repeal of the 1936 act, which gave Los Angeles the option of buying land in the Mono Basin, permanent easements would be granted for existing water and power facilities in the area.

Mr. Speaker, the Tuolumne River flows from the top of Mount Lyell Glacier in Yosemite National Park and down the Western Sierra Nevada to the San Joaquin River. The National Wild and Scenic Rivers Act of 1968 specifically states that it is the U.S. policy to preserve selected stream segments and entire rivers in their free-flowing condition for the benefit of present and future generations.

After 4 years of study, in 1979 the National Park Service and the U.S. Forest Service found that the free-flowing sections of the Tuolumne possessed the "outstandingly remarkable" natural and cultural qualities necessary for inclusion in the National Wild and Scenic System. It is time for the Congress to declare the Tuolumne a wild and scenic river so that its remaining beauty can be preserved. The California wilderness bill being debated by the Congress today designates 83 miles of the Tuolumne from its source in Yosemite National Park to the Don Pedro Reservoir as a part of the Wild and Scenic Rivers System. I strongly support this legislation as written and urge my colleagues to join me in voting in favor of it.

More than 130,000 people a year take advantage of trout fishing and white water rafting on the Tuolumne. Thousands of hunters, gold seekers, and campers visit the wild stretches each year. Proposals to dam the river would cut the river flow, and the scenic canyon through which it runs would become a maze of utility lines and powerplants. Half of the trout fishing areas along the Tuolumne and its tributaries would be destroyed, the white water boating industry would suffer tremendously, and the deer herds wintering in Yosemite would be in peril.

The Tuolumne currently supplies 2 percent of California's electricity, drinking water for 3 million people, and irrigation water for 300,000 acres of farmland. Protection of the river won't interfere with these uses. It will, in fact, preserve the river for additional uses.

Current prodevelopment proposals to dam and divert several forks of the river to generate hydropower at a cost of close to $1 billion threaten the delicate balance that now exists between environmental, recreational, and economic uses of the Tuolumne. Ninety percent of its irrigation potential and 70 percent of its hydroelectric potential have already been tapped, while navigable white water, wildlife, and wilderness remain.

Let's not destroy that balance. Let's join together today to give the Tuolumne River wild and scenic status by passing the California wilderness bill intact. Let's preserve this natural resource for future generations.

I urge my colleagues to join in an effort to protect California's great natural resources and vote in favor of H.R. 1437.●

● Mr. MATSUI. Mr. Speaker, I rise today to offer my strong support for H.R. 1437, the California wilderness bill. I would like to express my gratitude to the many Members who have worked long and hard to make this bill a reality.

H.R. 1437 is the culmination of many years of effort: 20 years of study, 4 years of efforts to pass legislation through the Congress, and more than a year of careful negotiations to bring about the compromise we have before us today.

This legislation is of tremendous importance for guaranteeing adequate protection of California's fragile wilderness areas. With this bill, we will ensure that our State's glorious resources will be preserved for hikers, campers, natural scientists, and others who enjoy California's magnificent wilderness. In addition, the bill is sensitive to the State's employment and development needs as well as the potential for multiple use of a variety of areas.

With H.R. 1437, 1.8 million acres of national forest land in California will be added to the national wilderness system and receive much-needed protection. The amount of acreage is halfway between what was originally proposed in the bill and what the Forest Service recommended for inclusion. Moreover, the bill provides particular protection to certain important and sensitive areas. The Tuolumne River would be designated a wild and scenic river as recommended in 1979 by the Park and Forest Service study and environmental impact statement. It would also create the Mono Basin National Forest Scenic Area and authorize a 3-year scientific study of the Mono Basin Area. H.R. 1437 also resolves lingering RARE II lawsuit, and allows development and multiple use on almost 1 million acres.

H.R. 1437 is an excellent example of responsible legislation. It is a well-balanced, reasonable, and workable measure that represents a consensus of the various parties concerned. It is a tribute to the many people who have worked to bring about such a well-considered agreement.

As a final comment, I rise in support of this legislation in memory of the late Phil Burton. It was his vision that initiated this important measure and his efforts and leadership which laid the groundwork for this historic legislation.●

● Mr. LANTOS. Mr. Speaker, today the Congress will take a truly historic and most significant step by approving H.R. 1437, the California wilderness bill. By our action here today, we are preserving for our children's children a priceless natural heritage that can never be recreated—the addition of 1.8 million acres to the wilderness areas of the State of California. These unique pristine areas can now be saved to be enjoyed, not only by those of us today, but also by future generations.

It is important that we act now to preserve these wilderness areas, Mr. Speaker. Although California is blessed with many beautiful and significant natural areas deserving of protection, it is also the most populous State in our Nation. The potential wilderness areas in our State are thus subject to greater pressure and greater threat. For this reason, it is critically

important that we preserve this natural heritage.

Some of the most important pristine areas in our State will be protected by this legislation, including the Tuolumne River and the new Ansel Adams Wilderness of deep granite gorges and waterfalls near Yosemite.

Our action here today is a fitting and appropriate tribute to the untiring efforts of our late colleague Phil Burton to protect our priceless natural heritage. What he has done to preserve and protect the magnificence of our environment only future generations will understand.●

● Mr. PATTERSON. Mr. Speaker, it is with great pleasure that I rise in support of H.R. 1437, the California Wilderness bill. For more than 4 years, the fate of millions of roadless acres in California has been unknown. Although the House of Representatives passed California Wilderness bills in the 96th and 97th Congresses, the measures died in the Senate. It is no secret that members of the House and Senate committees with jurisdiction over wilderness legislation disagreed over the amount of acreage to be included and the language governing the management and future review of the lands studied for potential wilderness designation by the Forest Service. But today, instead of focusing on the conflicts, I want to stress the tremendous forces of cooperation that have combined to create this compromise bill.

This great compromise designates 1.8 million acres of National Forest and BLM land in the State of California as wilderness, an amount almost exactly in between the original bill and the Forest Service recommendation. Senator CRANSTON, Chairman SEIBERLING of the Public Lands and National Parks Subcommittee, and the late Honorable Phillip Burton—the sponsor of the California Wilderness bill—negotiated long and hard with environmentalists, timber and mining interests, and with Senator PETE WILSON to achieve this figure. Although it is true that I and many Members of the California delegation would have liked to see all of the 2.4-million acres originally included in H.R. 1437 included in the final version, 1.8 million isn't bad. Particularly when you consider that the areas that have been released can be managed as wilderness by the Forest Service even without official designation as such. Additionally, the bill mandates another 96,000 acres for wilderness study and designates some 1.4 million acres of land in Yosemite and Sequoia-Kings Canyon National Parks as wilderness.

The compromise also lifts the court injunction which currently prohibits development on some 600,000 acres of land not slated for wilderness designation in the bill. These acres will be insulated from further wilderness review for at least 10 years and will thereafter be available for multiple uses, including mineral development and timber harvesting. This acreage has been in limbo since the ninth Circuit Court of Appeals ruled in 1980 that the Forest Service failed to prepare an adequate environmental impact statement, thus calling in question all acreage reviewed by the Forest Service.

The bill also adds 83 miles of the main stem of the Tuolumne River to the Wild and Scenic Rivers System. I cosponsored a separate bill that allowed the Tuolumne to be designated as a wild and scenic river, and am pleased that this bill incorporates the "T" as well. Furthermore, I might point out that the spirit of compromise also permeates this provision of the bill. The provision permits the hydroelectric facilities that currently exist to continue operating and allows for some water resource development along the tributaries. However, this lush white water wonder will never have its magnificent fury impaired along its main stem.

The final provision in this bill creates a Mono Basin National Forest scenic area. On July 18, 1983, the House passed H.R. 1341 designating the Mono Basin as a National Forest scenic area, but no action had occurred on the Senate side. The area contains a segment of the eastern escarpment of the Sierra Nevada Mountains, Mono Lake, extensive deposits of tufa in unusual tower formations, several volcanic craters, and large concentrations of nesting and waterfowl. The city of Los Angeles and the Department of Water and Power have been assured a ready supply of water from other sources in northern California and from the Colorado River without impairing the unusual ecological and geological values of the Mono Basin.

Most of the proposed wilderness areas that I have discussed are in northern California, since that is where the great majority of scenic, undeveloped areas are in the State. However, the bill also includes areas in southern California. Although southern Californians like myself travel to recreation areas throughout the State, these pockets of wilderness in our own back yard are especially important.

Mountains and still wild areas surround the Los Angeles basin and San Diego forming a "rim of wilderness" in southern California. Most of these pristine areas are not huge—the total acreage is only 302,800 acres—but their proximity to southern California's primary population centers gives them importance beyond their size. For urban dwellers in my district, the knowledge that San Mateo Canyon Wilderness is within an hour's drive offers peace of mind in the bustle of daily living.

I mention San Mateo Canyon because it is the only area which lies in Orange County, directly adjacent to my district. I worked hard to keep this entire area in the compromise bill. It is indeed a miracle that this 40,000-acre parcel has remained relatively untouched amidst the explosive growth of Orange County. It is steep canyon country, dropping 3,000 feet from the mountains to the coastal plain. The canyon is largely chaparral but is dotted with natural pastures. San Mateo Creek swells up during warm winters, and its waterfalls and swimming holes attract hikers from throughout southern California. We are truly fortunate that we still have the opportunity to protect this beautiful area so near our urban center.

As a member of the Public Lands and National Parks Subcommittee of the House Interior Committee, I have been involved in decisions regarding some of the finer points of this legislation. In testimony I gave before the Senate Subcommittee on Public Lands and Reserved Water, I indicated the importance of provisions in this bill regarding the control of fires. This legislation restates provisions in the 1964 Wilderness Act directing the Forest Service to use whatever measures necessary to control and prevent dangerous wildfires. This aspect is so important to areas in southern California, like San Mateo Canyon, that are part of ecosystems in which fire plays a major role.

As a final note, I wish to acknowledge the tremendous contribution that the sponsor of the California Wilderness Act, the late Honorable Phillip Burton, made to this bill. The bill we pass today stands as a tribute to his vision and diligent work. Chairman SEIBERLING and Senator ALAN CRANSTON must also be congratulated on their stewardship of this important legislation. I urge my colleagues to vote in favor of the California Wilderness Act in an effort to ensure that future generations of Americans share the splendor of wilderness.●

Pursuant to the provisions of H.R. 573, the previous question is ordered.

The question is on the motion offered by the gentleman from Arizona [Mr. UDALL].

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 368, nays 41, not voting 23, as follows:

[Roll No. 385]

YEAS—368

Ackerman
Addabbo
Akaka
Albosta
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
AuCoin
Barnard
Barnes
Bateman
Bates
Bedell
Beilenson
Bennett
Bereuter
Berman
Bethune
Bevill
Biaggi
Bilirakis
Bliley
Boehlert
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Bryant
Burton (CA)
Burton (IN)
Byron
Campbell
Carper
Carr
Chandler
Chappell
Clarke
Clay
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conable
Conte
Conyers
Cooper
Corcoran
Coughlin
Courter
Coyne
Craig
Crockett
Darden
Daschle
Daub
de la Garza
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Duncan
Durbin
Dwyer
Dymally
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Erlenborn
Evans (IA)
Evans (IL)
Fascell
Feighan
Fiedler
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Franklin
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gore
Gradison
Gray
Green
Gregg
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hance
Hansen (UT)
Harkin
Harrison
Hatcher
Hawkins
Hayes
Hefner
Heftel
Hertel
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kennelly
Kildee
Kindness
Kleczka
Kogovsek
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin
Levine
Levitas
Lewis (FL)
Lipinski
Lloyd
Long (MD)
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Mack
MacKay
Madigan
Markey
Marriott
Martin (IL)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Molinari
Mollohan
Moody
Moore
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nowak
O'Brien
Oakar
Obey
Olin
Ortiz
Ottinger
Owens
Oxley
Panetta
Parris
Patterson
Pease
Penny
Pepper
Petri
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Seiberling
Sensenbrenner
Sharp
Shaw
Shelby
Shuster
Sikorski
Siljander
Sisisky
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Snowe
Snyder
Solarz
Spence
Spratt
St Germain
Staggers
Stangeland
Stark
Stokes
Stratton
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Traxler
Udall
Valentine
Vander Jagt
Vandergriff
Vento
Volkmer
Walgren
Walker
Watkins
Waxman
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)
Williams (OH)
Wilson
Winn
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (FL)
Zschau

NAYS—41

Archer
Badham
Bartlett
Chappie
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
Davis
Dreier
Fields
Gekas
Hammerschmidt
Hansen (ID)
Hartnett
Leath
Lewis (CA)
Livingston
Loeffler
Lott
Lungren
Marlenee
McCandless
Montgomery
Moorhead
Nielson
Packard
Pashayan
Patman
Paul
Robinson
Rudd
Schaefer
Shumway
Skeen
Smith, Denny
Smith, Robert
Solomon
Stenholm
Vucanovich
Young (AK)

NOT VOTING—23

Alexander
Boggs
Carney
Cheney
D'Amours
Dyson
Fazio
Ferraro
Gramm
Guarini
Jeffords
Kemp
Long (LA)
Martin (NC)
Martin (NY)
Oberstar
Pritchard
Shannon
Simon
Studds
Stump
Towns
Young (MO)

□ 1540

Messrs. NICHOLS, EMERSON, SILJANDER, and BURTON of Indiana changed their votes from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The Senate amendment to the text of the bill is agreed to.

Without objection, a motion to reconsider is laid on the table, and without objection, the Senate amendment to the title is agreed to.

There was no objection.

DIRECTING THE CLERK OF THE HOUSE TO MAKE A CORRECTION IN ENROLLMENT OF H.R. 1437

Mr. UDALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (H. Con. Res. 356) to correct a technical error in the enrollment of the bill (H.R. 1437), entitled the "California Wilderness Act of 1984."

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 356

That in the enrollment of the bill (H.R. 1437) entitled "An Act entitled the 'California Wilderness Act of 1984'" the Clerk of the House of Representatives shall correct section 201 by inserting "52" in the parentheses immediately preceding "TUOLUMNE".

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

FLORIDA WILDERNESS ACT OF 1983

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 9) to designate components of the National Wilderness Preservation System in the State of Florida, 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:

Page 3, after line 22, insert:

WILDERNESS STUDY AREAS

SEC. 2. (a) In furtherance of the purposes of the Wilderness Act, the following lands shall be reviewed by the Secretary of Agriculture as to their suitability for preservation as wilderness. The Secretary shall submit his report and findings to the President, and the President shall submit his recommendation to the Congress of the United States no later than three years from the date of enactment of this Act:

(1) certain lands in Apalachicola National Forest, Florida, which comprise approximately six thousand five hundred acres, as generally depicted on a map entitled "Clear Lake Wilderness Study Area", dated April, 1984, and shall be known as the Clear Lake Wilderness Study Area; and

(2) certain lands in the Osceola National Forest, Florida which comprise approximately four thouand four hundred acres, as generally depicted on a map entitled "Natural Area Wilderness Study Area", dated April, 1984, and shall be known as the Natural Area Wilderness Study Area.

(d) Subject to valid existing rights, the wilderness study areas designated by this section shall, until Congress determines otherwise, be administered by the Secretary of Agriculture so as to maintain their presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System.

Page 3, line 24, strike out "2." and insert "3.".

Page 4, line 14, strike out "3." and insert "4.".

Page 4, line 23, strike out "4." and insert "5.".

Page 6, strike out all after line 13, over to and including line 12 on page 8, and insert:

SEC. 6. (a) The Congress finds that—

(1) the Department of Agriculture has completed the second roadless area review and evalation program (RARE II);

(2) the Congress has made its own review and examination of National Forest System roadless areas in Florida and of the environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress hereby determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II final environmental statement (dated January 1979) with respect to national forest system lands in States other than Florida, such statement shall not be subject to judicial review with respect to National Forest System lands in the State of Florida;

(2) with respect to the National Forest System lands in the State of Florida which were reviewed by the Department of Agriculture in the second roadless area review and evaluation (RARE II) and those lands referred to in subsection (d), except those lands remaining in wilderness study upon enactment of this Act, that review and evaluation of reference shall be deemed for the purpose of the initial land management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revisions of the plans, but shall review the wilderness option when the plans are revised, which revisions will ordinarily occur on a ten-year cycle, or at least every fifteen years, unless, prior to such time the Secretary finds that conditions in a unit have significantly changed;

(3) areas in the State of Florida reviewed in such final environmental statement or referenced in subsection (d) and not designated wilderness or wilderness study upon enactment of this Act shall be managed for multiple use in accordance with land management plans pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976: *Provided*, That such areas need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of the initial land management plans;

(4) in the event that revised land management plans in the State of Florida are implemented pursuant to section 6 of the Forest and Rangelend Renewable Management Act of 1976, and other applicable law, areas not recommended for wilderness designation need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of such plans, and areas recommended for wilderness designation shall be managed for the purpose of protecting their suitability for wilderness designation as may be required by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law; and

(5) unless expressly authorized by Congress, the Department of Agriculture shall not conduct any further statewide roadless areas review and evaluation of National Forest System lands in the State of Florida for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

(c) As used in this section, and as provided in section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, the term "revision" shall not include an "amendment" to a plan.

(d) The provisions of this section shall also apply to National Forest System roadless lands in the State of Florida which are less than five thousand acres in size.

Page 8, line 14, strike out "6" and insert "7".

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

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

Mr. YOUNG of Alaska. Mr. Speaker, reserving the right to object. I shall not object, but wish merely to point out that this bill is similar to H.R. 9 which passed the House on June 6, 1983, well over a year ago, by a voice vote.

It is my understanding that the bill is the same with the exception of two wilderness study areas being added to which there is no major opposition; and that the Senate inserted the new release language which has already passed both bodies a number of times.

The bill is not the same as the one which President Reagan vetoed last Congress. The troublesome provision has been deleted and I urge all Members to support the bill. Unfortunately, this spirit of bipartisanship is tarnished by only one thing, which I would like to bring to the chairman's attention.

During a recent ceremony marking the 20th anniversary of the enactment of the Wilderness Act, a representative of a major environmental group accused President Reagan of being the only President to have vetoed a wilderness bill.

I believe the record needs correction. The President did veto the old H.R. 9, but said in his veto message that he fully supported the wilderness designations in the bill. The reason he vetoed the bill was because it contained a formula which would ban phosphate leasing and would have vested property rights in certain mining companies holding lease applications forcing the Federal Government to pay them as much as $200 million.

Two days after the veto, Secretary Watt rejected the phosphate lease applications on the basis that available technology could not adequately reclaim the land and that the companies had not, therefore, established valuable deposits—a condition which must be met to obtain a lease. Secretary Watt and President Reagan took a strong proenvironmental stand. This year's bill has no compensation provisions in line with the Secretary and the President's recommendations. This year's bill is silent. The companies are free to pursue administrative and legal remedies which are the proper course of action in this situation.

In other words, the President vetoed the bill on the basis of a provision which our committee and the leadership in the Congress have now agreed is not necessary in the legislation.

I, therefore, find it extremely galling that the environmentalists criticize the President for a decision with which they now agree. He has been wrongly accused of opposing a wilderness bill when he, in fact, strongly supported the wilderness provisions.

The President has an excellent environmental record particularly with regard to wilderness. To date he has signed seven major wilderness bills and will undoubtedly sign several more in the near future.

If we are going to continue to pass wilderness bills under the bipartisan procedure being followed today—I would caution the chairman to make sure that the groups he is helping in this effort get their facts straight and stop making misleading and erroneous statements.

□ 1550

Mr. FUQUA. Mr. Speaker, will the gentleman from Alaska yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Florida, who has done an excellent job in conveying the knowledge necessary to pass this legislation.

Mr. FUQUA. I appreciate the gentleman yielding. I thank the gentleman from Alaska [Mr. YOUNG], and the gentleman from Ohio [Mr. SEIBERLING] for the work they have done.

Mr. Speaker, I rise today to express my wholehearted support for H.R. 9, the Florida Wilderness Act, legislation I have introduced to expand wilderness areas in the Apalachicola, Osceola, and Ocala National Forests and to prohibit phosphate mining in the Osceola National Forest.

This act is one I first introduced in 1974 and we have come a long way. H.R. 9 is cosponsored by the entire Florida House delegation and endorsed by Florida's Senators as well. It has the support of Florida's Governor and cabinet. The people of Florida want this act to become law and I am gratified that we shall accomplish that goal.

The Senate amendments are constructive and do not alter the basic intent of the bill. I can certainly accept and endorse them. Senator CHILES and Senator HAWKINS both labored long and hard for passage of H.R. 9 in the Senate and deserve praise for their efforts. This act would never have seen the light of day if it had not been for the diligence of Chairman MORRIS UDALL and Congressman JOHN SEIBERLING. To both of

these men I want to extend my appreciation and gratitude.

H.R. 9 is a victory for the people of Florida.

The staffs of both the House Interior and Insular Affairs Committee and the Senate Energy and Natural Resources Committee deserve thanks for their efforts, as well as the staffs of Senator CHILES and Senator HAWKINS.

I am honored to have had the opportunity to work for passage of this act and want to send H.R. 9 on its way to the White House for President Reagan's signature.

Again I want to thank my friends in the committee for their work on this legislation.

Mr. SEIBERLING. Mr. Speaker, will the gentleman from Alaska yield to me?

Mr. YOUNG of Alaska. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Speaker, I rise in strong support of H.R. 9, as reported by the Senate. This is long overdue legislation which has passed the House in three successive Congresses, and which also cleared the Senate in the 97th Congress only to be vetoed by President Reagan over concerns pertaining to the compensation of certain applicants for phosphate leases. Since the veto in the last Congress, we have worked with the administration to address the phospate concerns, and the administration now supports the legislation.

Briefly, Mr. Speaker, H.R. 9 adds six new areas of National Forest land in Florida totaling 47,980 acres; to the national wilderness preservation system; 1,170 acres would also be added to the existing Bradwell Bay Wilderness. The boundaries of all the additions are those passed by the House. The Senate amendments further include two congressionally designated wilderness study areas in the bill, totaling 10,900 acres, and thereby statutorily confirm the Forest Service and House's plans for further wilderness study (actually "further planning" status) for the two areas. The two wilderness study areas will have their wilderness character protected until Congress determines otherwise. Finally, the Senate amendments incorporate the compromise so-called release/sufficiency language which Chairman UDALL and I worked out with Senator MCCLURE last May. This compromise language is slightly different in the House version of release for H.R. 9 because we had not yet reached agreement with the Senate on release language when H.R. 9 passed the House in June 1983.

Mr. Speaker, the bill before us today has been cosponsored by, and has the unanimous agreement of, both Florida Senators and all 19 Members of the Florida delegation in the House. As I have already mentioned, it has the support of the administration. So without further ado, I recommend that we send this meritorious legislation to the President for signature. I particularly wish to thank the Hon. DON FUQUA, for his strong support and assistance in working out this excellent legislation.

Mr. YOUNG of Alaska. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

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

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just adopted.

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

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3082, EMERGENCY WETLANDS RESOURCES ACT OF 1983

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 98-1010) on the resolution (H. Res. 579) providing for the consideration of the bill (H.R. 3082) to promote the conservation of migratory waterfowl and to offset or prevent the serious loss of wetlands by the acquisition of wetlands and other essential habitat, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5609, AMERICAN DEFENSE EDUCATION ACT

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 98-1009) on the resolution (H. Res. 578) providing for the consideration of the bill (H.R. 5609) to authorize a national program of improving the quality of education, which was referred to the House Calendar and ordered to be printed.

PERMISSION FOR MEMBERS TO HAVE UNTIL 9 P.M. TODAY TO FILE AMENDMENTS TO H.R. 5609, AMERICAN DEFENSE EDUCATION ACT

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent that Members have until 9 o'clock tonight to submit amendments for printing in the CONGRESSIONAL RECORD to the bill, H.R. 5609, the American Defense Education Act.

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

Mr. LOTT. Mr. Speaker, reserving the right to object, and I do not intend to object, but I think it is important that the Members understand what this unanimous-consent request is.

As I understand, the gentleman is asking unanimous consent for a 9 o'clock filing of amendments in the RECORD on the bill, the American Defense Education Act, as it is known. Is that correct, the gentleman is asking Members have until 9 o'clock to file amendments to this bill?

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

Mr. LOTT. Reserving the right to object, Mr. Speaker, I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. I thank the gentleman for yielding.

Mr. Speaker, the gentleman [Mr. LOTT] is correct.

Mr. LOTT. Then the gentleman, therefore, is advising Members if they do not get amendments in the RECORD by 9 o'clock tonight on this American Defense Education Act that they would not be able to offer those amendments tomorrow during the debate and amending process on the bill unless it is an amendment to an amendment that has been filed in the RECORD, is that correct?

Mr. MOAKLEY. If the gentleman will yield further, the gentleman once again is correct.

Mr. LOTT. So the Members do not have the typical notice that they would have on filing amendments like this; the amendments are going to be limited, you are not going to have this opportunity tomorrow to offer an amendment that has not been printed in the RECORD.

I understand there was a notice last week by the chairman of the committee that they would seek this type of rule. Is that correct?

Mr. MOAKLEY. The gentleman once again is correct.

Mr. LOTT. Mr. Speaker, further reserving the right to object, I just want to say that I do think it is a mistake, institutionally, for us to be doing this. This is not a bill from the Committee on Ways and Means. The revenue code is not being opened up to amendments. This is a bill out of the Committee on Education and Labor. The members of that committee may be familiar with what is in this bill and they may have had an opportunity to prepare amendments or to have put those amendments in the RECORD but there are a lot of Members here in the House that have knowledge and inter-

est in education and labor and will be precluded now unless they put their amendments in the RECORD by 9 o'clock.

I think it is not a partisan thing, it is an institutional thing with me and I would hope that the Committee on Rules and the House will not make it a normal practice of requiring this on bills from committees that do not involve the Tax Code or something of that nature.

Mr. MOAKLEY. Mr. Speaker, will the gentleman yield again?

Mr. LOTT. I will yield to the gentleman from Massachusetts.

Mr. MOAKLEY. Mr. Speaker, just to clarify what the gentleman [Mr. LOTT] is pointing out, the Committee on Rules granted a rule for the consideration of the American Defense Education Act which stipulates that all amendments to the bill must be printed in the CONGRESSIONAL RECORD by today, September 12, and it is also the committee's intention to give Members an opportunity to comply with this printing requirement.

So my unanimous-consent request will facilitate that intent.

I also would like to point out that the chairman of the Committee on Education and Labor, "GUS" HAWKINS of California, gave notice last week, September 5, Wednesday, that he was requesting a rule that would restrict amendments to this bill to those printed in the RECORD the day before the consideration.

In addition, Mr. Speaker, when the legislative program for the week was announced on Thursday, September 6, Members were put on notice that H.R. 5609, which is this bill, would be considered on the floor Thursday and Friday, September 13 and 14, subject to this type of rule being granted.

□ 1600

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

Mr. LOTT. Further reserving the right to object, I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Do I understand that we have a new type of closed rule here that we are now adopting that suggests that the only amendments that are going to be permitted, as we consider this $11 billion bill, will be those that were in the RECORD and if someone along the way becomes disturbed about what is taking place in debate, they are not going to be able to draft an amendment and offer it in the course of this deliberation?

Mr. LOTT. Unless amendments are filed in the RECORD, under the rule that has been filed, by 9 o'clock tonight, they will be prohibited from offering the amendment during debate and amendment process tomorrow.

Mr. WALKER. If the gentleman will yield further, when the chairman came before the committee to ask for this kind of rule, was any explanation given for this kind of procedure being adopted?

Mr. LOTT. He was questioned and he did give an explanation which I am not quite sure I understand.

I guess the gist of it was it is for the purpose of expediting the consideration of this legislation, that it would not be delayed because of a multiplication of amendments being filed in the RECORD. I assured the gentleman that there were no dilatory plans of that nature and I thought it was bad precedent to do this. But the Rules Committee did decide to close it except for amendments that are printed in the RECORD by 9 o'clock tonight.

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

Mr. LOTT. I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. I thank the gentleman for yielding.

Actually, the gentleman realizes that it is not uncommon for this type of rule to be granted in the closing days of the session and especially in a complex bill and that the rule is completely open. The only thing we have done is we have tightened up the amendment process. In fact, giving additional time until 9 o'clock tonight for the Members to perfect their amendments.

Mr. LOTT. Further reserving the right to object, would a Member tomorrow, if he decided that the bill was just too much money and he wanted a 10-percent across-the-board reduction in spending—he would not have to know a lot about the substance, he would not have to know a lot about formulas—just an across-the-board 10-percent reduction in spending, if he came to that conclusion tomorrow, would that amendment be in order?

Mr. MOAKLEY. Well, I think if the Member had to wait until tomorrow to come to that conclusion he has not been doing his job as a Member of Congress.

Mr. LOTT. Mr. Speaker, I did want to make this reservation. The Members want to proceed and I understand that and I will not delay it any further. I wanted to make sure they understand they have until 9 o'clock tonight and urge the Rule Committee not to make a practice of doing this, which it has not, generally speaking.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed on Monday, September 10, 1984, in the order in which that motion was entertained.

Votes will be taken in the following order: H.R. 3347, by the yeas and nays; and H.R. 6071, by the yeas and nays.

The Chair will reduce to 5 minutes the time for taking the second electronic vote.

EXTRADITION ACT OF 1984

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 3347, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. HUGHES] that the House suspend the rules, and pass the bill, H.R. 3347, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 103, nays 307, not voting 22, as follows:

[Roll No. 386]

YEAS—103

Ackerman	Gonzalez	Obey
Addabbo	Gray	Ottinger
Akaka	Hall (OH)	Owens
Alexander	Hawkins	Pease
Barnes	Hayes	Pepper
Beilenson	Howard	Rangel
Berman	Hoyer	Richardson
Bonior	Hughes	Rodino
Borski	Kastenmeier	Roe
Boucher	Kildee	Roybal
Boxer	Kostmayer	Russo
Brooks	LaFalce	Sabo
Brown (CA)	Lantos	Savage
Burton (CA)	Lehman (CA)	Sawyer
Clay	Lehman (FL)	Scheuer
Collins	Leland	Schumer
Conyers	Levin	Seiberling
Cooper	Levine	Solarz
Coyne	Lowry (WA)	Stark
Crockett	Markey	Stokes
Dellums	Martinez	Swift
Dixon	Matsui	Synar
Donnelly	Mazzoli	Torres
Downey	McHugh	Torricelli
Dymally	Mikulski	Traxler
Edgar	Miller (CA)	Vento
Edwards (CA)	Mineta	Walgren
Evans (IL)	Mitchell	Waxman
Fascell	Moakley	Weiss
Foglietta	Moody	Wheat
Foley	Morrison (CT)	Wirth
Garcia	Murphy	Wolpe
Gejdenson	Natcher	Yates
Gilman	Nowak	
Glickman	Oakar	

NAYS—307

Albosta	Barnard	Bliley
Anderson	Bartlett	Boehlert
Andrews (NC)	Bateman	Boland
Andrews (TX)	Bates	Boner
Annunzio	Bedell	Bonker
Anthony	Bennett	Bosco
Applegate	Bereuter	Breaux
Archer	Bethune	Britt
Aspin	Bevill	Broomfield
AuCoin	Biaggi	Brown (CO)
Badham	Bilirakis	Broyhill

Bryant
Burton (IN)
Byron
Campbell
Carper
Carr
Chandler
Chappell
Chappie
Clarke
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Conable
Conte
Corcoran
Coughlin
Courter
Craig
Crane, Daniel
Crane, Philip
D'Amours
Daniel
Dannemeyer
Darden
Daschle
Daub
Davis
de la Garza
Derrick
DeWine
Dickinson
Dicks
Dingell
Dorgan
Dowdy
Dreier
Duncan
Durbin
Dwyer
Dyson
Early
Eckart
Edwards (AL)
Edwards (OK)
Emerson
English
Erdreich
Erlenborn
Evans (IA)
Feighan
Fiedler
Fields
Fish
Flippo
Florio
Ford (TN)
Fowler
Franklin
Frenzel
Frost
Fuqua
Gaydos
Gekas
Gephardt
Gibbons
Gingrich
Goodling
Gore
Gradison
Green
Gregg
Gunderson
Hall (IN)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Hansen (ID)
Hansen (UT)
Harkin
Harrison
Hartnett
Hatcher
Hefner
Heftel
Hertel
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Hubbard
Huckaby
Hunter
Hutto
Hyde
Ireland
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kazen
Kemp
Kennelly
Kindness
Kleczka
Kogovsek
Kolter
Kramer
Lagomarsino
Latta
Leach
Leath
Lent
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Long (MD)
Lott
Lowery (CA)
Lujan
Luken
Lundine
Lungren
Mack
MacKay
Madigan
Marlenee
Marriott
Martin (IL)
Mavroules
McCain
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McKernan
McKinney
McNulty
Mica
Michel
Miller (OH)
Minish
Molinari
Mollohan
Montgomery
Moore
Moorhead
Morrison (WA)
Mrazek
Murtha
Myers
Neal
Nelson
Nichols
Nielson
O'Brien
Olin
Ortiz
Oxley
Packard
Panetta
Parris
Pashayan
Patman
Patterson
Paul
Penny
Petri
Pickle
Porter
Price
Pursell
Quillen
Rahall
Ratchford
Ray
Regula
Reid
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Rudd
Schaefer
Schneider
Schroeder
Schulze
Sensenbrenner
Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Siljander
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solomon
Spence
Spratt
St Germain
Staggers
Stangeland
Stenholm
Stratton
Sundquist
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Udall
Valentine
Vander Jagt
Vandergriff
Volkmer
Vucanovich
Walker
Watkins
Weaver
Weber
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)
Williams (OH)
Wilson
Winn
Wise
Wolf
Wortley
Wright
Wyden
Wylie
Yatron
Young (AK)
Young (FL)
Zschau

NOT VOTING—22

Boggs
Carney
Cheney
Fazio
Ferraro
Ford (MI)
Frank
Gramm
Guarini
Jacobs
Jeffords
Long (LA)
Martin (NC)
Martin (NY)
Oberstar
Pritchard
Shannon
Simon
Studds
Stump
Towns
Young (MO)

□ 1610

Messrs. HARRISON, PANETTA, SMITH of Florida, HERTEL of Michigan, MAVROULES, LONG of Maryland, MINISH, BOSCO, and BEDELL changed their votes from "yea" to "nay."

Mr. GONZALEZ and Mr. WHEAT changed their votes from "nay" to "yea."

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

The result of the vote was announced as above recorded.

□ 1620

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

TRADEMARK COUNTERFEITING ACT OF 1984

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 6071, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. HUGHES] that the House suspend the rules and pass the bill, H.R. 6071, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 403, nays 0, not voting 29, as follows:

[Roll No. 387]

YEAS—403

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Aspin
AuCoin
Badham
Barnard
Barnes
Bartlett
Bateman
Bates
Bedell
Beilenson
Bennett
Bereuter
Berman
Bethune
Bevill
Biaggi
Biliraki
Bliley
Boehlert
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Britt
Brooks
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Bryant
Burton (IN)
Byron
Campbell
Carper
Carr
Chandler
Chappell
Chappie
Clarke
Clay
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conable
Conte
Conyers
Cooper
Corcoran
Coughlin
Courter
Coyne
Craig
Crane, Daniel
Crane, Philip
D'Amours
Daniel
Dannemeyer
Darden
Daschle
Daub
Davis
de la Garza
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Erlenborn
Evans (IA)
Evans (IL)
Fascell
Feighan
Fiedler
Fields
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Franklin
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gore
Gradison
Gray
Green
Gregg
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Hansen (ID)
Hansen (UT)
Harkin
Harrison
Hartnett
Hatcher
Hawkins
Hayes
Hefner
Heftel
Hertel
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kindness
Kleczka
Kogovsek
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Leath
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Long (MD)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Lungren
Mack
MacKay
Madigan
Markey
Marlenee
Marriott
Martin (IL)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Michel
Mikulski
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Molinari
Mollohan
Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
O'Brien
Oakar
Obey
Olin
Ortiz
Ottinger
Owens
Oxley
Packard
Panetta
Parris
Pashayan
Patman
Patterson
Paul
Pease
Penny
Pepper
Petri
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Rudd
Russo
Sabo
Savage
Sawyer
Schaefer
Scheuer
Schroeder
Schulze
Schumer
Seiberling
Sensenbrenner
Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Siljander
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stangeland
Stark

Stenholm	Vander Jagt	Wilson
Stokes	Vandergriff	Winn
Stratton	Vento	Wirth
Sundquist	Volkmer	Wise
Swift	Vucanovich	Wolf
Synar	Walgren	Wolpe
Tallon	Walker	Wortley
Tauke	Watkins	Wright
Tauzin	Waxman	Wyden
Taylor	Weaver	Wylie
Thomas (CA)	Weber	Yates
Thomas (GA)	Weiss	Yatron
Torres	Wheat	Young (AK)
Torricelli	Whitehurst	Young (FL)
Traxler	Whittaker	Zschau
Udall	Whitten	
Valentine	Williams (MT)	

NOT VOTING—29

Boggs	Guarini	Schneider
Breaux	Jacobs	Shannon
Burton (CA)	Jeffords	Simon
Carney	Long (LA)	Studds
Cheney	Martin (NC)	Stump
Crockett	Martin (NY)	Towns
Fazio	Miller (CA)	Whitley
Ferraro	Oberstar	Williams (OH)
Frank	Pritchard	Young (MO)
Gramm	Roe	

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1630

VOTING ACCESSIBILITY FOR THE ELDERLY AND HANDICAPPED ACT

Mr. SWIFT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1250) to improve access for handicapped and elderly individuals to registration and polling facilities for Federal elections, 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:

Page 1, line 10, strike out "and polling facilities" and insert "facilities and polling places".

Page 2, line 4, strike out "facilities" and insert "places".

Page 2, line 7, strike out "facility" and insert "polling place".

Page 2, lines 11 and 12, strike out "polling facilities" and insert "polling places".

Page 2, lines 12 and 13, strike out "accessible facility" and insert "such accessible place is".

Page 2, strike out lines 16 to 21, inclusive, and insert:

(B) assures that any handicapped or elderly voter assigned to an inaccessible polling place, upon advance request of such voter (pursuant to procedures established by the chief election officer of the State)—

(i) will be assigned to an accessible polling place, or

(ii) will be provided with an alternative means for casting a ballot on the day of the election.

Page 3, line 1, strike out "facilities" and insert "places".

Page 3, after line 7, insert:

(3) The provisions of this subsection shall only be effective for a period of 10 years beginning on the date of enactment of this Act.

Page 3, line 21, strike out "facility" and insert "place".

Amend the title so as to read: "An Act to improve access for handicapped and elderly individuals to registration facilities and polling places for Federal elections.".

Mr. SWIFT (during the reading). Mr. Speaker, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Washington [Mr. SWIFT]?

Mr. THOMAS of California. Reserving the right to object, Mr. Speaker, I shall not object, and I yield to the gentleman from Iowa [Mr. TAUKE].

Mr. TAUKE. I thank the gentleman for yielding and if I could have the attention of the manager of the bill, the gentleman from Washington [Mr. SWIFT], during the discussion of this bill when it was on the House side, I had expressed some concerns about how this bill might conflict with some existing State efforts to try to deal with the problem of providing access to handicapped voters.

I wonder if the gentleman might outline what changes have been made in the legislation since it left this body which would deal with the question.

Mr. SWIFT. If the gentleman would yield, I would be happy to answer that.

Mr. Speaker, if I might just take a moment to explain, H.R. 1250 is a bill to improve access for handicapped and elderly individuals to registration and polling facilities in Federal elections.

As it was adopted by this House in June—by voice vote—the bill required, first, that polling places be made physically accessible, if possible. Second, if a survey of potential sites failed to reveal a site that could be made accessible, then any elderly or handicapped voter who requested it would be reassigned to an accessible site.

The bill further provided that:

A reasonable number of permanent registration sites should be accessible;

Instructions at registration and polling sites should be printed in large type to assist hearing and visually impaired individuals;

Registration and voting information should be available through telecommunications devices for the deaf;

Absentee ballots should be made available for handicapped voters without requirement for notarization or medical certification; and

Public notice of the availability of these aids should be provided.

The effective date of the bill was set for December 31, 1985.

During its consideration of this legislation, the Senate adopted several amendments that further improved what was already a good bill. Very briefly, the significant amendments would:

First, sunset the survey requirement in the bill after five elections; and

Second, clarify the section relating to handicapped and elderly voters who live in precincts with inaccessible polling sites.

That section, Mr. Speaker, now provides that State election officials should seek to accommodate such voters if they request reassignment to accessible polls.

But if reassignment is not practical, due to provisions of State law or serious administrative problems, a State may offer such voters any other means of voting that is feasible in that State—including so-called curbside voting—so long as each voter who requests it is provided with an opportunity to vote on election day.

As I indicated, Mr. Speaker, I believe these changes improve an already excellent piece of legislation.

A great many elderly, handicapped, and civil rights groups and individuals have been involved in developing this bill, as have numerous election officials from a wide variety of States.

The result is an effective but flexible bill that will substantially improve access by elderly and handicapped voters to registration and polling places in this country.

I know of no opposition to this bill, or to these amendments, and I urge their prompt adoption.

Mr. TAUKE. I thank the gentleman for his comments and I believe that this provision substantially improves the bill and I commend the gentleman from California [Mr. THOMAS] for his efforts in this legislation.

Mr. THOMAS of California. Mr. Speaker, continuing with my reservation, I do want to commend the chairman of the Task Force on Elections. I believe the Senate amendments do improve the bill but he is to be commended for bringing all of the groups together and putting together a working package which at one time did not appear to be one that would get through the legislative process successfully.

Mr. SWIFT. If the gentleman would yield?

Mr. THOMAS of California. I yield to the gentleman from Washington.

Mr. SWIFT. I thank the gentleman for his kind words and would indicate it would not have been possible without the enthusiastic support of the minority and I appreciate that.

● Ms. OAKAR. Mr. Speaker, last month, handicapped athletes from around the world gathered in Los Angeles to participate in the Olympic games for the disabled. For these athletes and all disabled persons in the world, these games symbolized the gains handicapped persons have made

in being recognized as full class citizens.

Disabled persons, as well as many elderly citizens in our Nation work, participate in sports, and exercise other rights given to citizens. One of the most important rights available to all U.S. citizens is the right to vote. Essentially, voting in local, State, and national elections is the single most important way every citizen can voice his or her choice in public policy matters. And, when a person's ability to vote is hindered, that person has no voice in policy, no vote.

Congressman AL SWIFT authored a bill to increase accessibility in voting to the handicapped and elderly. H.R. 1250 would improve access beginning in 1985. The bill requires that polling places for Federal elections are accessible to all persons. The bill also requires a reasonable number of accessible registration facilities within each jurisdiction. Finally, the bill would provide for registration and voting aids for the disabled and elderly.

The Committee on House Administration's task force on elections has reviewed this issue and the legislation for some time, and I believe has developed a bill which will serve both the voters who need special attention and those officials who must administer the needed changes.

No one can argue that greater participation in the Federal election process is important to the success of our Nation. H.R. 1250 will make it easier for 35 million citizens to exercise their right to vote. I encourage all my colleagues to join me in supporting this legislation.

Thank you, Mr. Speaker.●

Mr. THOMAS of California. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Washington [Mr. SWIFT]?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SWIFT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just adopted.

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

There was no objection.

AUTHORIZING PRINTING AS A HOUSE DOCUMENT OF A COMMITTEE PRINT ENTITLED "QUACKERY, A $10 BILLION SCANDAL"

Mr. GAYDOS, from the Committee on House Administration, submitted a report (Rept. No. 98-1011) on the resolution (H. Res. 564) authorizing the printing as a House document of the committee print entitled "Quackery, A $10 Billion Scandal," which was referred to the House Calendar and ordered to be printed.

Mr. GAYDOS. Mr. Speaker, by direction of the Committee on House Administration, I call up the resolution (H. Res. 564) authorizing the printing as a House document of the committee print entitled "Quackery, A $10 Billion Scandal," and ask unanimous consent for its immediate consideration.

The Clerk read the title of the resolution.

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

Mrs. VUCANOVICH. Reserving the right to object, Mr. Speaker, I do not plan to object, but I would like to ask the gentleman from Pennsylvania to explain that resolution.

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

Mrs. VUCANOVICH. I yield to the gentleman from Pennsylvania.

Mr. GAYDOS. I thank the gentlewoman for yielding.

Mr. Speaker, House Resolution 564 authorizes the printing as a House document of the committee print entitled "Quackery: A $10 Billion Scandal." This report was prepared by the chairman of the Subcommittee on Health and Long-Term Care of the Select Committee on Aging after an intensive 4 years of study. The Committee on House Administration approved this resolution on September 12, 1984. The resolution provides that the usual number of 1,500 copies shall be printed pursuant to the requirements of the applicable statute, section 701 of title 44 of the United States Code and that 1,100 additional copies shall be printed for the use of the Subcommittee on Health and Long-Term Care. The estimated cost of the printing, provided by GPO, is as follows:

Usual number of 1,500 copies (statutory requirement)	$4,948.59
Additional 1,100 copies	1,177.66
Total cost	6,126.25

This report marks the final product of an intensive 4-year review of quackery and its impact on the elderly. While this Congress has already taken legislative action to curb frauds against the elderly, the need still exists to alert the American public, especially older Americans, to medical frauds that they are likely to encounter in their search for relief in today's marketplace. This report can fulfill this important service if it is made available to the aging network throughout the United States.

The additional copies authorized by this resolution will be distributed by the subcommittee primarily to the aging network. This aging network consists of some 700 area and State units dealing with services for older Americans. It is the best means for making the information contained in this report readily available to our senior citizens. The subcommittee's allotment of the initial printing of this report was exhausted within 1 month due to widespread demand.

Mrs. VUCANOVICH. I thank the gentleman.

Mr. Speaker, I would like to support this resolution.

I think that this document will alert our elderly throughout the United States to medical frauds they may encounter when trying to reduce their medical costs and I applaud the Select Committee on Aging for its work on this document. And I think the House should pass this resolution so the document can be made available to the American public.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the resolution as follows:

H. RES. 564

Resolved, That the committee print of the report of the chairman of the Subcommittee on Health and Long-term Care of the Select Committee on Aging entitled "Quackery, A $10 Billion Scandal", dated May 31, 1984, shall be printed as a House document.

SEC. 2. In addition to the usual number, there shall be printed 1,100 copies of such document for the use of the Subcommittee on Health and Long-term Care.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GAYDOS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just agreed to.

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

There was no objection.

A TIME OF REMEMBRANCE

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration on the Senate joint resolution (S.J. Res. 336) to proclaim October 23, 1984, as "A Time of Remembrance" for all victims of terrorism throughout the world, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

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

Mr. COURTER. Mr. Speaker, reserving the right to object, and I will not object, I just want to go on record as saying I believe, as we all do, that this is a very worthwhile resolution.

Victims of terrorism are throughout the country; whatever part of the country they happen to live in they can be subject to this type of very heinous crime.

We think it is very important to bring everybody's attention to the plight of these victims.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate joint resolution, as follows:

The Senate joint resolution 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.

S.J. RES. 336

Whereas the problem of terrorism has become an international concern that knows no boundaries—religious, racial, political, or national;

Whereas thousands of men, women, and children have died at the hands of terrorists in nations around the world, and today terrorism continues to claim the lives of many peace-loving individuals;

Whereas October 23, 1983, is the date on which the largest number of Americans were killed in a single act of terrorism—the bombing of the United States compound in Beirut, Lebanon, in which two hundred and forty-one United States servicemen lost their lives;

Whereas many of these victims died defending ideals of peace and freedom; and

Whereas it is appropriate to honor all victims of terrorism, and in America to console the families of victims, and to cherish the freedom that their sacrifices make possible for all Americans: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 23, 1984, be proclaimed as "A Time of Remembrance", to urge all Americans to take time to reflect on the sacrifices that have been made in the pursuit of peace and freedom, and to promote active participation by the American people through the wearing of a purple ribbon, a symbol of patriotism, dignity, loyalty, and martyrdom. The President is authorized and requested to issue a proclamation calling upon the departments and agencies of the United States and interested organizations, groups, and individuals to fly United States flags at half staff throughout the world in the hope that the desire for peace and freedom take firm root in every person and every nation.

The Senate joint resolution 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.

□ 1640

NATIONAL SPINA BIFIDA MONTH

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 275) to designate the month of October 1984 as "National Spina Bifida Month," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

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

Mr. COURTER. Mr. Speaker, reserving the right to object, I simply reserve the right to object to indicate that the Republican Party stands very much behind this resolution. Indeed, we obviously have no objection whatsoever.

Mr. Speaker, I withdraw my reservation of objection.

● Mr. MURPHY. Mr. Speaker, I rise today in support or Senate Joint Resolution 275, designating October 1984 as "National Spina Bifida Month". This important resolution will serve the purpose of increasing public awareness of spina bifida.

Spina bifida is a little known handicapping condition which results from the failure of the spine to close properly. Spina bifida is the most serious birth defect, as 30 years ago 90 percent of children born with spina bifida died of complications early in life. However, now with aggressive care and improved treatment at least 90 percent of children born with spina bifida survive.

Research indicates that approximately half of the American population is not familiar with the crippling defect of spina bifida. This is surprising when one considers that spina bifida occurs five times as often as multiple sclerosis and seven times as often as muscular dystrophy. It is the most common birth defect, occurring in 1 of every 1,000 births. Most of the March of Dimes and Easter Seal poster children have spina bifida.

Due to the nature of this birth defect it is critical to provide these children with the appropriate facilities and specialized medical professionals to meet their unique health needs. Currently, only a few cities in the United States have proper care centers and specialized professionals that can provide the most effective treatment for children and adults with spina bifida.

I am strongly supporting Senate Joint Resolution 275, because by designating October as "Spina Bifida Month" it will help stimulate the interest and concern of the American people, which may lead to increased research and eventually to the discovery of a cure for spina bifida.●

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

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 275

Whereas spina bifida is a birth defect in the spinal column which occurs in one of every one thousand births in the United States;

Whereas spina bifida is the most common crippler of newborns, resulting when one or more bones in the back (vertebrae) fail to close completely during prenatal development;

Whereas while the cause of spina bifida is not known, it appears to be the result of multiple environmental and genetic factors;

Whereas although most of the March of Dimes and Easter Seal poster children have spina bifida, many people have not heard of the defect;

Whereas only a few cities in the United States have proper care centers and specialized professionals that can provide the most effective, aggressive treatment for children and adults with spina bifida; and

Whereas an increase in the national awareness of the problem of spina bifida may stimulate the interest and concern of the American people, which may lead, in turn, to increased research and eventually to the discovery of a cure for spina bifida: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of October 1984 is designated "National Spina Bifida Month", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that month with appropriate ceremonies and activities.

The Senate joint resolution 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.

NATIONAL HOSPICE MONTH

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 334) to provide for the designation of the month of November 1984 as "National Hospice Month," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

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

Mr. COURTER. Mr. Speaker, reserving the right to object, I yield to my friend, the gentleman from Ohio [Mr. GRADISON].

Mr. GRADISON. I thank the gentleman for yielding.

Mr. Speaker, I am pleased that Senate Joint Resolution 334, a resolution to designate the month of November 1984 as "National Hospice Month," has been brought to the floor. I am es-

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pecially pleased that over 250 of our colleagues have shown their support for this designation by cosponsoring a similar House resolution.

It is very appropriate that we designate the month of November 1984 to commemorate hospice, the innovative, compassionate approach to caring for the terminally ill. The year 1984 marks the 10th anniversary of hospice care in this country. The first U.S. hospice was established near New Haven, CT, in 1974. Now, there are over 1,200 programs around the country dedicated to promoting the hospice concept. The month of November has been selected because November 1, 1984, marks the first anniversary of the medicare hospice benefit. The implementation of hospice medicare benefits has made it possible for hospice care to become a viable alternative to traditional care for many elderly Americans.

Hospice care is more than a service delivery system; it is a philosophy that seeks to provide terminally ill patients and their families with dignity and a sense of fulfillment. Unlike traditional hospital care, with its commitment to treating and curing diseases, hospice care focuses on controlling pain and supporting the patient and family members when illness has gone beyond therapeutic control.

The hospice concept is centered on the belief that the dying are often better served in the familiar surroundings of their own homes, or, if medically necessary, in a comfortable inpatient facility which allows them to spend their final days as peacefully and free from pain as possible.

Hospice care provides a continuity of care through the integration of home and inpatient care. Through the use of home health aides, social workers, skilled nurses, clergy, and trained volunteers, family members are taught how to care for the terminally ill patient at home. Physicians, psychiatrists, psychologists, pharmacists, physical therapists, nutritionists, and others may also serve on the hospice team.

Hospice care has proven to be an excellent way for patients and their families to help cope with the immeasurable stress and emotion of terminal illness. While understanding and support for the hospice concept has grown dramatically in the last few years, there remains a need for public education. It is also important to recognize the significant contributions made by the thousands of professionals and trained volunteers involved in the provision of hospice services and in the advancement of the hospice movement.

Mr. Speaker, public education and recognition programs conducted during National Hospice Month will expand the public's understanding of and support for hospice care as well as recognize the efforts and dedication of those currently involved in the provision of this humanitarian service.

Mr. COURTER. Mr. Speaker, I thank the gentleman for his comments and his leadership as the chief House sponsor of the proposal making the month of November National Hospice Month.

I concur with what the gentleman said. During the past number of years in this country there has been an increased observation and increased recognition of the fact that people who are terminally ill deserve the right to live in comfortable surroundings and deserve special attention, deserve to be with family and not to be treated in some sort of callous fashion.

The hospice movement sweeping the country, and I might add particulary in the State of New Jersey, which is one of those leaders as well, is extremely important for those individuals who find themselves facing terminal illness.

I congratulate the sponsors. I congratulate my dear friend as well for bringing this to the attention of all Members.

● Ms. SNOWE. Mr. Speaker, I am very pleased to join my colleagues today in designating the month of November as "National Hospice Month." As an original cosponsor of this resolution, I have long indicated my strong support of the hospice movement. As the hospice movement becomes accepted by more people, I believe the day is coming when this special way of caring for the dying will truly become an intergrated part of our health care system.

The hospice movement has become popular in this country only in the last few years. In 1973 there was only 1 hospice operating in the United States; now, only 11 years later, there are approximately 1,200 hospices caring for over 40,000 patients. The growing acceptance of hospices is, in part, attributed to advances in medical science, especially the application of life-sustaining machinery. To the fear of death has now been added the fear of being kept alive by artificial means in a helpless, lonely, possibly comatose state and not being "allowed" to die.

Anyone who has lived through the experience of a loved one dying of a terminal illness, such as cancer, knows it is one of life's most traumatic encounters. It can involve months of agonizing pain for the patient and a sense of helplessness and frustration for the family. Adding to the predicament is the fact that most cancer patients die in hospitals. In recent years, a growing number of cancer patients and their families have found that when a cure is no longer feasible, the hospital may not be the right place to be. These institutions are equipped to cure the sick rather than treat those who have no hope of recovery.

Dying is probably the most lonely experience we human beings will encounter in our lifetime. While family and friends must part with their loved one, the dying person is leaving everybody behind. For too long, we as a society, have wanted to hide from the fact that death and dying are an important part of the life cycle and deserve our serious attention.

The hospice philosophy addresses these important problems. It faces death as a fact of life and focuses on making the patient as comfortable as possible during the remaining days and months of life. The stress is on the alleviation of pain rather than the continuation of curative therapy.

The in-hospice facility emphasizes a pleasant, restful, home-like atmosphere, where the patient is cared for by an interdisciplinary team of care givers. Most people, however, prefer to die in their own home surrounded by familiar faces, smells, sounds, and sights. For that reason, many hospices provide services through existing home-care units. The family is trained and supervised by the hospice team to care for their loved one. Regular visits by the professional and volunteer hospice staff help to support and structure the care of the patient. The holistic approach of the hospice philosophy often includes support of the bereaved family long after the death of the patient.

An important step in the progress of the hospice movement in this country has been the acceptance of third-party copayment of the cost of hospice care. However, the current medicare reimbursement rates provide little incentive for home-care agencies to participate in the program. These rates should be increased to better cover the cost of caring for the dying in the dignified manner of hospice care.

Today, however, is indeed a proud day, and it is only fitting that we use this opportunity to thank all the dedicated nurses, social workers, physicians, clergy, volunteers, and other persons working long, hard hours to make the hospice program what it is today.●

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

THE SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 334

Whereas hospice care has been demonstrated to be a humanitarian way for terminally ill patients to approach the end of their lives in relative comfort with appropriate, competent, and compassionate care in an environment of personal individuality and dignity;

Whereas hospice advocates care of the patient and family by attending to their physi-

cal, emotional, and spiritual needs and specifically, the pain and grief they experience;

Whereas hospice care is provided by an interdisciplinary team of physicians, nurses, social workers, pharmacists, psychological and spiritual counselors, and other community volunteers trained in the hospice concept of care;

Whereas hospice care is rapidly becoming a full partner in the Nation's health care system;

Whereas the recent enactment of the medicare hospice benefit makes it possible for many more elderly Americans to have the opportunity to elect to receive hospice care; and

Whereas there remains a great need to increase public awareness of the benefits of hospice care: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of November 1984, is designated as "National Hospice Month", and the President is authorized and requested to issue a proclamation calling upon all Government agencies, the medical community, appropriate private organizations, and the people of the United States to observe the month with appropriate forums, programs, and activities designed to encourage national recognition of and support for hospice care as a humane response to the needs of the terminally ill and as a viable component of the health care system in this country.

The Senate joint resolution 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.

NATIONAL DOWN'S SYNDROME MONTH

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 254) to designate the month of October 1984 as "National Down's Syndrome Month," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

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

Mr. COURTER. Mr. Speaker, reserving the right to object, and indeed, as before, I will not object, but I would like to mention the fact that this, too, is a very worthwhile resolution bringing the attention of the citizens of the United States to the importance of recognizing the need for work, funding, and increased sensitivity to those victims of Down's Syndrome.

Mr. Speaker, I very much support the resolution.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 254

Whereas the past decade has brought a greater and more enlightened attitude in the care and training of the developmentally disabled;

Whereas one such condition which has undergone considerable reevaluation is that of Down's syndrome—a problem which, just a short time ago, was often stigmatized as a mentally retarded condition which relegated its victims to lives of passivity in institutions and back rooms;

Whereas, through the efforts of concerned physicians, teachers, and parent groups such as the National Down's Syndrome Congress, programs are being put in place to educate new parents of babies with Down's syndrome; to develop special education classes within mainstreamed programs in schools; the provision for vocational training in preparation for competitive employment in the work force and to prepare young adults with Down's syndrome for independent living in the community;

Whereas the cost of such services designed to help individuals with Down's syndrome move into their rightful place in our society is but a tiny fraction of the cost of institutionalization;

Whereas along with this improvement in educational opportunities for those with Down's syndrome is the advancement in medical science which is adding to a more brightened outlook for individuals born with this chromosomal configuration; and

Whereas public awareness and acceptance of the capabilities of children with Down's syndrome can greatly facilitate their being mainstreamed in our society: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 1984 is designated "National Down's Syndrome Month" and that the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the designated month with appropriate programs, ceremonies and activities.

The Senate joint resolution 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.

NATIONAL WOMEN VETERANS RECOGNITION WEEK

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 227) designating the week beginning November 11, 1984, as "National Women Veterans Recognition Week," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

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

Mr. COURTER. Mr. Speaker, reserving the right to object, and again, I will not object, the purpose of the resolution obviously is to give full recognition to the women who have provided a crucial part of the defense of this country in various roles and various modes over the years.

Very often some of our citizens, when they think of veterans, think only of male veterans, but there are a lot of female veterans and they play an integral part. They have before, as far as the national defense, and they do today, and they certainly deserve a special week recognizing their input and their contribution to the freedoms that this country has.

● Mr. EVANS of Illinois. Mr. Speaker, legislation to designate the week of November 11-17, 1984, as "National Women Veterans Recognition Week" has received tremendous bipartisan support in both Houses of Congress. Senate Joint Resolution 227 passed the Senate in April. As the sponsor of the House version, House Joint Resolution 499, I am pleased that more than 231 Members joined in sponsoring this measure, and I thank the chairwoman of the subcommittee for calling up this measure in such a timely manner.

This legislation is the priority legislation in the 98th Congress for women veterans organizations throughout the country. It marks the first time in 42 years that America's women veterans, who now number over 1 million, have been formally acknowledged for their military service to this country.

World War II saw the first large induction of women into the armed services. But few people recognized it as anything more than a temporary wartime necessity. These women, many of whom remained in the Armed Forces for 20-30 years, were pioneers in liberating women's role in the military. Today, women are entering the Armed Forces in record numbers.

A significant step forward for women veterans was made last year when an advisory committee on female veterans was established within the VA. In addition, we in Congress enacted a requirement which mandates that the VA report biannually to Congress on the effectiveness of VA programs in meeting these needs. While this progress is certainly heartening, I believe that much greater public recognition of the contributions of women veterans is needed.

I am very hopeful that "Women Veterans Recognition Week" will spur public interest and create greater awareness of the contributions of women veterans to this Nation's welfare and security. It is the very least we can do for these patriotic and dedicated veterans.●

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

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

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 227

Whereas there are more than one million one hundred thousand women veterans in this country, representing 4.1 per centum of the total veteran population;

Whereas the number and proportion of women veterans will continue to grow as the number and proportion of women serving in the Armed Forces continue to increase;

Whereas women veterans through honorable military services often involving hardship and danger have contributed greatly to our national security;

Whereas the contributions and sacrifices of women veterans on behalf of this Nation have not been adequately recognized;

Whereas this lack of recognition has denied women veterans the public appreciation and praise they deserve;

Whereas the special needs of women veterans, especially in the area of health care, have often been overlooked or inadequately addressed by the Federal Government;

Whereas this lack of attention to the special needs of women veterans has discouraged or prevented women veterans from taking full advantage of the benefits and services to which they are entitled as veterans of the United States Armed Forces; and

Whereas recognition of women veterans by the Congress and the President through enactment of legislation declaring the week beginning on November 11, 1984, as "National Women Veterans Recognition Week" would serve to create greater public awareness and recognition of the contributions of women veterans, to express the Nation's appreciation for their service, and to inspire more responsive care and services for women veterans: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning on November 11, 1984, is designated "National Women Veterans Recognition Week". The President is requested to issue a proclamation calling upon all citizens, community leaders, interested organizations, and government officials to observe that week with appropriate programs, ceremonies, and activities.

The Senate joint resolution 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.

NATIONAL TOURISM WEEK

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 335) to designate the week beginning on May 19, 1985, as "National Tourism Week," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

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

Mr. COURTER. Mr. Speaker, reserving the right to object, under my reservation I would like to yield to my friend, the gentleman from Pennsylvania [Mr. RITTER.]

Mr. RITTER. I thank the gentleman for yielding.

Mr. Speaker, I would like to share with my colleagues the importance of this particular commemorative. There are commemorative weeks that come and go on the floor of this House. This particular commemorative week has probably received as much attention as any one I am familiar with.

I would like at the end of my statement to include from the U.S. Travel and Tourism Administration in the Commerce Department an incredible list of activities that went on nationwide under the auspices of the different States and cities and municipalities.

These activities, taking place across the country, highlight a great freedom we enjoy here: The freedom to travel. Not only do we have a magnificent land to explore and discover, but we also have a distinct and enduring feeling for our rich and varied heritage. It is our privilege to embrace to the fullest the opportunity to learn of these things firsthand. Truly, in the immortal words of Woody Guthrie, "This land was made for you and me."

The first celebration of National Tourism Week was a resounding success, in spite of the fact that the lead time was extremely limited. This time around we plan to have the kind of lead time before May 19 so that the tourism and travel industry in America has sufficient time to prepare.

A couple of notes: Last year, Americans and foreign nationals spent on travel and tourism in the United States of America $255 billion. This led directly to $41 billion in salaries and wages for American workers and 4½ million jobs. It is one of the fastest growing industries in the country, and one of those industries that, even during the recession, had signficant growth.

In my own district of the Lehigh Valley of Pennsylvania, we recently completed our Musikfest, and 185,000 people attended that Musikfest during the period of 1 week.

The American tourism industry and the U.S. Travel and Tourism Administration have done a remarkable job, along with their counterpart people in the local governments and State governments in making National Tourism Week 1984 a tremendous success.

Mr. Speaker, I would like to call attention to the excellent work done by the chairman of the Senate Travel and Tourism Caucus, JOHN WARNER, from Virginia, and also call attention to the excellent job done by our own chairman in the House, the gentleman from Tennessee, BILL BONER.

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Another stellar job has been done by the U.S. Travel and Tourism Administration's Director, Miss Donna Tuttle.

Altogether there has been a lot of teamwork in making this week a success and we look forward to an even greater success in the coming year.

I thank the gentleman for yielding.

Mr. COURTER. Mr. Speaker, I thank the gentleman for his comments.

In New Jersey, as in Pennsylvania, tourism is a very important industry. As a matter of fact, I am not sure, but I think it could be the biggest industry that we have in the entire State, tourism. It is very important to us. It is very important to many of our States, so recognizing and giving them a special week and giving them, as the gentleman from Pennsylvania says, some lead time so they can properly prepare for this type of event is extemely important.

I congratulate the gentleman from Pennsylvania [Mr. RITTER] for sponsoring this legislation in the House, getting all the signatures that were necessary. I congratulate him for his leadership in tourism, as well as his leadership in some of the other areas.

Mr. RITTER. Mr. Speaker, if the gentleman would yield back for just a moment, I would like to tell him and all the rest of the Members and the staff working here that "You've got a friend in Pennsylvania." That is our travel and tourism slogan.

"Despite our late start, I believe the signs are encouraging that as a government we are beginning to appreciate the national importance of travel and tourism, and beginning to act accordingly. One of the most significant reasons for this change in government attitude is the travel industry itself. So it is the men and women in the industry who should be recognized during National Tourism Week, and it is their effort which should be celebrated."—Statement by Sen. Daniel Inouye (D-Hawaii) Congressional Record, May 24, 1984.

This inspiring message from long-time supporter of the travel and tourism industry Senator Daniel Inouye (D-Hawaii) was only one of many inserted into the Congressional Record during National Tourism Week 1984, but it sums up the optimistic feeling of all the participants that this special event was a highly successful promotion which should become an annual opportunity to highlight the contributions of America's travel and tourism industry.

National Tourism Week got off to an attention-getting start with the "kick-off" in Washington, D.C. on May 22. Three U.S. Senators and seven Congressmen attended the joint U.S.T.T.A.-American Bus Association sponsored breakfast on Capitol Hill. The unveiling of the U.S. Postal Service aerogramme was an impressive ceremony and the presentation of a "Travel . . . The Perfect Freedom" T-shirt to Vice President Bush focused the attention of the White House on the week's events. With the Southeast Tourism Society in town, their "hoedown" on the Mall was the most sought after invitation in the Nation's Capital. Representatives of the handicapped aired their views on what can be done to help the disabled traveler and the nation's media developed a new awareness of the importance of

travel as a story to be covered on TV, radio, and in print.

Major media coverage included my appearance, along with the mascots from the World's Fair and Summer Olympics, on the May 31 edition of ABC's Good Morning America; interviews on the CBS radio national show Crosstalk; NBC Sunday Night News (for June or early July airing); the Satellite Business Network; San Francisco Business Journal; and major articles in the Chicago Tribune, USA Today, and the New York Times. In addition, the respected Congressional Quarterly issued a special report on travel and tourism and the Commerce Department's widely read magazine Business America highlighted U.S.T.T.A. as their cover story. Copies of the National Tourism week media coverage are attached to this report.

U.S.T.T.A. conducted a familiarization tour to Washington, D.C. for six leading journalists from the major international markets. The journalists received a VIP view of Washington through the assistance of the Washington, D.C. Convention and Visitors Bureau.

The Department of Commerce in Washington, D.C. flew a banner saluting National Tourism Week. The busy main lobby offered a special exhibit of new state travel posters with signs reminding people of the economic impact of tourism in America.

U.S.T.T.A.'s regional offices celebrated NTW overseas:

U.S.T.T.A. Mexico held a reception at the residence of Ambassador John Gavin with guests including top airline and agency representatives, A video tape of President Reagan's special message and another on the Louisiana World Exposition were highlights of the event.

U.S.T.T.A. Frankfurt held a reception May 22 for 50 travel industry officials from all parts of Germany.

U.S. Consul General, Winnepeg officially opened the U.S. pavilion at the 7th Annual National Conference and Trade Show of the Association of Canadian Travel Agents May 30 to commemorate National Tourism Week.

Ambassador Galbraith in France hosted a reception celebrating National Tourism Week and honoring the French travel industry and press on May 24. More than 100 travel industry leaders, French government representatives, travel editors, television and embassy officials attended.

U.S. Deputy Chief of Mission in Tokyo, William Clark, received 200 leading Japanese travel executives at his residence in observance of National Tourism Week.

I was especially pleased by the turnout of more than 100 Congressional aids for the National Tour Association-United Bus Owners sponsored breakfast, followed by a briefing on U.S.T.T.A. programs and policies. This agency clearly accomplished its goals of increasing awareness of the economic impact of tourism and encouraging cities, states, and industry to make National Tourism Week an effective vehicle to promote the contributions of travel and tourism to America. The following "wrap-up" report briefly summarizes the major activities carried-out nation-wide:

The city of Mobile, Alabama and the Mobile Area Chamber of Commerce and Convention and Visitors Council hosted a luncheon commemorating NTW, using U.S.T.T.A.'s slogan "Travel . . . The Perfect Freedom." Governor George C. Wallace proclaimed Tourism Appreciation Week in conjunction with National Tourism Week.

Alaska celebrated NTW by proclaiming "Tourism Month" and programs hosting international tour operators and press were planned for the entire month of May. An inspection tour for 20 Japanese travel writers was followed by a group of 12 top German editors and publishers. Anchorage held hospitality seminars for the 5500 residents who work directly with visitors.

Governor Bruce Babbitt of Arizona signed a state proclamation for National Tourism Week at a news conference for the travel and tourism industry.

A "River Fest" kicked-off Arkansas' tourism week with a wide range of arts, crafts, bands and children' displays. Governor Bill Clinton issued a state tourism proclamation.

Office of Tourism worked with the news media on public service announcements and editorials, and with the Chicago Cubs and White Sox to flash NTW announcements on their scoreboards. The 1984 Governor's Conference on tourism addressed the need for the Illinois legislature to increase the State's tourism advertising budget to compete with neighboring states and issued a state tourism proclamation.

The State tourism office in Indiana issued a series of press releases and utilized local attractions to bring attention to National Tourism Week.

Governor Terry Branstad of Iowa signed a state tourism proclamation as well as Kansas Governor John Carlin, both generating many news articles on the economic impact of tourism.

Kentucky Governor Martha Layne Collins hosted a National Tourism Week luncheon in the Executive Mansion for seventy members of the travel and tourism industry. A state tourism week proclamation was also issued.

"Louisiana Tourism Day" was celebrated at the Louisiana World Exposition with travel and tourism industry leaders from across the state invited to attend a special reception/aquacade show and a private viewing of the Louisiana exhibit at the fair. Governor Edwin Edwards proclaimed Louisiana Tourism Day in conjunction with NTW.

Governor Joseph Brennan held a reception at his Mansion May 29 for members of the Maine Vacational Commission to thank them for the contributions the travel industry makes to the economy. The highlight of the day was a signing ceremony proclaiming Maine Tourism Week. Information personnel across the state were divided into four groups and escorted on familiarization trips acquainting them with various regions of the state.

Governor Hughes of Maryland issued a state proclamation and city proclamations were issued by the Mayors of Ocean City, Baltimore and Annapolis.

Massachusetts Governor Michael Dukakis signed a proclamation declaring "Tourism Week" and hosted a special State House ceremony and reception on May 30.

Governor James Blanchard held Michigan's First Annual Governor's Conference on Tourism and issued a proclamation for state tourism week.

The Minneapolis Convention and Visitor Commission sponsored a second annual Super FAM and trade fair. NTW also marked the commencement of Minnesota's new horse and carriage livery service and the "Artsfest" sponsored by Walker Art Center. These events were promoted through news releases sent to national trade magazines. Minnesota Tourism Week was launched with a Twins baseball game.

The Missouri Highway Patrol and the Division of Tourism joined forces to sponsor "Operation: Thank you." During NTW, troopers served as goodwill ambassadors, greeting out-of-state motorists and presenting them a bag of Missouri souvenirs, brochures and travel discounts.

Governor Ted Schwinden issued a state tourism proclamation and Montana participated in the Tri-State Travel Forum.

A state proclamation was issued with the slogan "Nebraska Tourism Week . . . Celebrate Nebraska" and the week was kicked-off with a carnival to welcome visitors. Major rest areas offered refreshments and local entertainment. The Mayor of Omaha issued a city tourism proclamation with all posters and press releases featuring the slogan "Travel . . . The Perfect Freedom". The Mayor also hosted a luncheon in honor of the travel and tourism industry and special mention was made of the economic impact of the travel industry.

Governor Bryan of Nevada held proclamation signing ceremonies in Carson City and Las Vegas, presenting international tourism marketing awards to Frontier Travel & Tours of Carson City and Desert Inn Country Club and Spa of Las Vegas.

Albuquerque, New Mexico distributed "Host Survival Kits" containing maps and promotional discounts.

In the Big Apple, New York City, they honored their Courtesy Awards Winner in a special ceremony on May 23. Just in case people missed their public service messages on radio and TV, the New York convention and Visitors Bureau arranged for a NTW salute to be flashed on Diamondvisions giant new video screen at 47th Street and Boradway. NTW information centers received NTW commemorative buttons.

North Carolinia Governor Jim Hunt declared the week of May 27, North Carolina Tourism Week and an economic awareness campaign was initiated to educate the public on the importance of tourism. Several front page stories on tourism appeared in the business section of major newspapers.

A two-day Governor's Conference on Tourism kicked-off North Dakota Tourism Week and the highlight was the issuance of official tourism week proclamations by the state and 12 cities.

The tourism community of Greater Cincinnati celebrated NTW with its "Invite a Friend" event on Fountain Square, May 29. Fifty attractions, hotels and restaurants had booths on the Square promoting their properties and giving out post cards to Cincinnatians to invite a friend to vacation there. A bank of six telephones were set up for long distance calls to invite friends to Ohio.

"On to Oklahoma! America's Frontier Lake State" slogan was developed to promote Oklahoma's abundance of water and water based recreational opportunities available to visitors.

Oregon Governor Atiyeh used National Tourism Week to hold a news conference and announce winners of their statewide tourism photo and poster contest.

"Travel Month" was organized by Pennsylvania featuring hospitality seminars, a travel writers familiarization tour, a million dollar campaign with Coca-Cola utilizing the state slogan "You've Got a Friend in Pennsylvania", and a series of press releases generating tourism story ideas. Pennsylvania also promoted the slogan "Greet a Visitor, Make a Friend."

Blackstone Valley, Rhode Island joined with the U.S. Department on eInterior to

hold meetings on ways to upgrade the tourist areas, i.e., bicycle trails and parks.

South Carolina Governor Richard Riley issued a state proclamation while welcome visitors centers distributed 5,000 National Tourism Week buttons. The Peedee tourism area conducted two workshops on how to sell the tourism market.

South Dakota issued a state tourism proclamation and Kay Riordan Steuerwald, President of Mountain Company, printed 5,000 large NTW buttons for local distribution. South Dakota utilized NTW to promote their National High School Rodeo finals and launched a new set of tourism information boards throughout the state.

Governor Pedro P. Tenorio of Saipan declared the week of May 27 tourism week for the Commwealth of the Northern Marianas. It was highlighted with an art exhibition, skits by students, sports events and training programs covering the impact of tourism on the CNMI economy.

For the folks in Nashville, free lemonade was provided at rest stops and some advice for motorists highlighted Tennessee Tourism Week.

Texans emphasized their state motto "Friendship" during Texas Tourism Week. The Dallas Convention and Vistors Bureau hosted a seminar and luncheon for travel industry leaders celebrating Mayor Starke Taylor's proclamation of Dallas Tourism Week.

Salt Lake City, Utah Mayor Ted Wilson issued a city-wide proclamation for tourism week. Vermont Governor Richard A. Snelling proclaimed May 27 "Vermont Tourism Day" and encouraged commercial attractions to offer special discount prices or free gifts. The Vermont Society of Travel Agents, in conjunction with Vermont Transit, sponsored a promotional contest whose winners received a free bus tour package.

Governor Juan Luis of the Virgin Islands prepared a NTW proclamation. a water carnival with boat races and a boat parade featured the hundreds of charter boats located in the Virgin Islands; school children were involved in preparing arts and crafts suitable for "Made in the Virgin Islands" labels for sale to tourists; and the business community was involved in a public awareness campaign dealing with the impact of tourism on the lives of the Virgin Islanders.

Governor Robb of Virginia signed a Certificate of Recognition for Virginia Tourism Week, with leaders of the Virginia tourism industry on hand. Statewide television and radio public service announcements, press releases, and fact sheets highlighting tourism's economic contributions to Virginia were also made available. The Richmond convention and Visitors Bureau organized a "Riches of Richmond Treasure Hunt" special tour; Washington County Chamber of Commerce and the City of Alexandria issued local resolutions commemorating NTW; and tent card displays were printed and distributed to local and regional tourism centers, leaders, highway welcome centers and state chambers of commerce. Historic Lexington Visitor Center presented certificates to all visitors, making them honorary citizens for the city.

Governor John Spellman of Washington proclaimed "May Tourism Month" and the state busied itself with TIA's 1984 International Pow Wow.

West Virginia kicked off their NTW celebration with the Governor's Travel Fair, May 6–11.

Governor Earl proclaimed "Wisconsin Tourism Week" and the state advertised with a public service announcement narrated by Lt. Governor Flynn using the U.S.T.T.A. slogan "Travel . . . The Perfect Freedom." The Wisconsin Association of Convention and Visitors Bureaus released Escape to Wisconsin" music for radio and tv spots and the Turner Broadcasting Systems' "American Heritage Series" Wisconsin segment pretelecast screening and reception was held May 30.

Wyoming Gov. Ed Herschler signed a state tourism proclamation and the state participated in the Tri-State Travel Conference.

INDUSTRY CONTRIBUTIONS

The American Bus Association hosted their Las Vegas "Bus Bash" May 27 and at the same time kicked off their NTW Traveling Billboard Program. ABA also sponsored a Buscade on May 22 making its way from the Virginia suburbs to the U.S. Capitol.

The American Recreation Coalition hosted a conference in Jackson Hole, Wyoming May 2–3, highlighting the relationship between recreation and international marketing.

The American Society of Travel Agents co-sponsored a half-hour cable television program, along with other travel industry organizations. The program, The Travel Journal, was shown on the CBN Cable Network, May 28. ASTA distributed 48,000 of their NTW buttons.

In addition to publishing a new U.S. Travel Industry Fact Book to be distributed to the nation's media, the Travel Industry Association of America devoted the central panel of the Information Booth at its 16th Annual Discover America International Pow Wow to National Tourism Week.

The new J. W. Marriott hosted the U.S.T.T.A. visiting journalists during their stay in Washington, D.C.

A Pennsylvania bus company, Capitol International Tours, Inc. has adopted the U.S. Travel and Tourism Administration's NTW slogan "Travel . . . The Perfect Freedom" as the official name of their newsletter.

The National Campground Owner's Association, the Recreational Vehicle Industry Association and the Recreation Vehicle Dealers' Association sponsored a special campaign "Go Camping America." They sent their members a special press kit with facts on the benefits of camping, information sources, and a special logo.

National Tour Association President Hal Mischnick sent a mailing to all members including NTW logo sheets, radio public service announcements, economic impact data, a sample letter to the editor and other ideas for publicizing the week locally. 18,000 NTA National Tourism Week posters were sold.

The Commerce Department's National Oceanic and Atmospheric Administration's newsletter, Marine Recreational Fisheries Highlights, gave NTW front page coverage in its May 17 issue.

Westpark Hotels of Virginia hosted a National Tourism Week reception at their Tyson's Corner hotel for travel agents, tour operators, airline officials and government representatives.

The Southeast Tourism Society secured more than 250 billboards in four states for use in an awareness campaign to highlight the importance of travel to the economy.

Two hundred and fifty Hilton Hotels utilized red, white and blue seals featuring the promotional slogan "Tourism is Everbody's Business" along with a recap of the industry's benefits "Creates Jobs . . . Generates Tax Revenues . . . Benefits the Entire Community."

The Air Transport Association asked 23,000 travel agencies to tie in National Tourism Week in planning tour programs and other promotional activities for their clients. ATA contacted editors of airline inflight magazines and house organs for possible feature stories, as well as senior airline marketing people, to request in-flight announcements by pilots and/or flight attendants promoting National Tourism Week.

The Hotel Washington in the Nation's capital displayed a NTW banner and arranged for a special National Tourism Week message on the closed-circuit television information station which serves guests in the downtown hotels.

The American Hotel & Motel Association prepared a tourism insert for the May 27 issue of Time magazine. In addition, Time transportation display posters were set up in major locations throughout the country. AH&MA created a series of radio, public service annoucements and one TV spot saluting tourism for national distribution. They also provided a runner in the Olympic Torch Relay, May 27 under the tourism banner.

DONNA TUTTLE,
Under Secretary for Travel and Tourism.

U.S.T.T.A. does not intend to infer that this listing is all inclusive. It is simply a compilation of information that has been collected and/or received by this agency.

Mr. COURTER. I appreciate that.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 335

Whereas tourism is vital to the United States, contributing to economic prosperity, employment, and international balance of payments;

Whereas travelers from the United States and other countries spent $255,000,000,000 in the United States during 1982, directly producing four million five hundred thousand jobs, $41,000,000,000 in wages and salaries, and over $20,000,000,000 in Federal, State, and local tax revenues;

Whereas, if viewed as a single retail industry, the travel and tourism sector of the economy constituted the second largest retail industry in the United States in 1982, as measured by business receipts;

Whereas tourism contributes substantially to personal growth, education, and intercultural appreciation of geography, history, and people of the United States;

Whereas tourism enhances international understanding and good will; and

Whereas, as people throughout the world become more aware of the outstanding cultural and recreational resources available across the United States, travel and tourism will become an increasingly important aspect of the daily lives of the people of the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning on May 19, 1985, hereby is designated as "National Tourism Week", and the President is authorized and requested to issue a proclamation calling upon the people

of the United States to observe such week with appropriate ceremonies and activities.

The Senate joint resolution 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.

EMERGENCY MEDICINE WEEK

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous conset that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 545) designating the week of September 16 through 22, 1984 as "Emergency Medicine Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

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

Mr. COURTER. Reserving the right to object, Mr. Speaker, this, too, is a very worthwhile resolution, bringing proper attention to Emergency Medicine Week, making that week of September 16 through 22, 1984, a week to remember.

Emergency medicine in this country has come a long way in the past number of years. It literally saves the lives of thousands and thousands of individuals, the medicine itself, the trained personnel who give aid and assistance during the emergencies that occur every day in our towns and in our villages and in our cities.

So it gives me great pleasure to say that we totally endorse this effort.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 545

Whereas emergency medical personnel throughout our Nation are specialists trained to handle life- or limb-threatening illnesses and injuries requiring immediate attention, and must be available 24 hours every day of the week to all patients who need medical aid;

Whereas the emergency medical services system in the United States provides emergency health care to millions of citizens annually;

Whereas vast improvements in emergency medicine have been made in the past fifteen years, and emergency department personnel have completed extensive training and continuing education to keep up with these improvements;

Whereas the efforts of these trained men and women have saved thousands of lives; and

Whereas the observance of "Emergency Medicine Week" will educate our citizens about emergency medicine: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of September 16 through 22, 1984 is designated "Emergency Medicine Week". The President is requested to issue a proclamation calling upon the people of the United States to observe that week with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL PEARL HARBOR REMEMBRANCE DAY

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res 392) to designate December 7, 1984 as "National Pearl Harbor Remembrance Day" on the occasion of the anniversary of the attack on Pearl Harbor.

The Clerk read the title of the joint resolution.

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

Mr. COURTER. Reserving the right to object, Mr. Speaker, obviously Pearl Harbor Day is the type of day that does not need a resolution to be remembered, but nevertheless it is totally fitting and proper in order to give it a resolution as well. It is a day that will always go down in American history as a day of infamy, a day that can give us very important lessons as to how we should behave in the future with regard to defense preparedness.

It gives me great pleasure to endorse making this day Pearl Harbor Day.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 392

Whereas on the morning of December 7, 1941, the Imperial Japanese Navy launched an unprovoked surprise attack upon units of the Armed Forces of the United States stationed at Pearl Harbor, Hawaii;

Whereas over two thousand four hundred citizens of the United States were killed in action and almost one thousand two hundred were wounded in this attack;

Whereas President Franklin Delano Roosevelt referred to the date of the attack as "a day that will live in infamy";

Whereas the attack on Pearl Harbor marked the entry of this Nation into World War II;

Whereas the people of the United States owe a tremendous debt of gratitude to all members of our Armed Forces who served at Pearl Harbor, in the Pacific Theater of World War II, and in all other theaters of action of that war; and

Whereas the veterans of World War II and all other people of the United States will commemorate December 7, 1984 in remembrance of this tragic attack on Pearl Harbor: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That December 7, 1984, the anniversary of the attack on Pearl Harbor, is designated as "National Pearl Harbor Remembrance Day" and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States—

(1) to observe this solemn occasion with appropriate ceremonies and activities; and

(2) to pledge eternal vigilance and strong resolve to defend this Nation and its allies from all future aggression.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on all the resolutions just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewomen from Indiana?

There was no objection.

GENERAL LEAVE

Mr. McCANDLESS. Mr. Speaker, I ask unanimous consent that all Members may have 3 legislative days to revise and extend their remarks on the subject of amendment No. 66 considered this afternoon during the Treasury-Post Office appropriation bill and to include therein extraneous material.

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

There was no objection.

ANNUAL REPORT OF RAILROAD RETIREMENT BOARD FOR FISCAL YEAR 1983—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read, and together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce and the Committee on Ways and Means.

(For message, see proceedings of the Senate of today, Wednesday September 12, 1984.)

H.R. 5656, DANGEROUS DRUG DIVERSION CONTROL ACT

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

remarks and include extraneous matter.)

Mr. HUGHES. Mr. Speaker, I would like to bring to the attention of the House an article from the front page of yesterday's Wall Street Journal on the problem of physicians who sell dangerous prescription drugs. The Journal reports on the enforcement efforts of the California Board of Medical Quality Assurance to prevent physicians from being duped by drug-abusing patients. This technique, repeated throughout the country on a daily basis, contributes to the diversion of close to 1 million doses of dangerous prescription drugs to the black market. The abuse of this class of drugs—pain killers, stimulants, depressants, and tranquilizers—is responsible, as the article points out, for over 70 percent of the deaths due to drug abuse—more than heroin, cocaine, marijuana, and LSD combined.

I am pleased to say, that with the excellent cooperation of the gentleman from Michigan [Mr. DINGELL], the gentleman from North Carolina [Mr. BROYHILL], the gentleman from California [Mr. WAXMAN], and the gentleman from Illinois [Mr. MADIGAN], the committee on Energy and Commerce this week cleared for floor action, H.R. 5656, the Dangerous Drug Diversion Control Act. H.R. 5656, which was reported by the Judiciary Committee on May 15 of this year, addresses the types of problems identified in the Wall Street Journal story. For example, the bill would encourage State agencies, such as the California Medical Quality Assurance Board, to recommend to DEA that a doctor be denied the authority to write prescriptions for controlled substances while on probation for misconduct, without stripping the doctor of the ability to practice medicine and continue to serve society.

The bill would also authorize DEA to assist States in monitoring improper drug distribution practices of physicians, podiatrists, dentists, veterinarians, and pharmacists.

As the article notes, the medical profession, and particularly the American Medical Association, has done an excellent job in recent years educating their members and policing themselves about this problem.

I believe that the leadership will schedule H.R. 5656 for action soon.

Mr. Speaker, it is a good bill. My distinguished colleague from Michigan, Mr. HAROLD SAWYER, and I hope to have the bill on the floor sometime next week.

Mr. Speaker, I ask unanimous consent that the article appear in the RECORD following my remarks.

DOCTORS IN CALIFORNIA SELLING PRESCRIPTIONS HAVE REASON TO FEAR—AGENTS WHO POSE AS PATIENTS ALSO ARE POSING A THREAT TO THEIR VERY PRACTICES

(By Marilyn Chase)

RICHMOND, CA.—In his prime, Joseph Pontier was a prolific obstetrician: He delivered 5,000 babies. Today, the only "office hours" he keeps are at a Red Cross booth in El Cerrito, where he gives free blood-pressure tests.

"I'm not going to practice medicine anymore," he says. "I'll do my charity work. I'm 74 years old, and I'm tired."

Dr. Pontier's is no ordinary retirement. He was caught selling amphetamine prescriptions to undercover agents.

Dr. Pontier's captors were no ordinary narcotics cops. They were agents of California's Board of Medical Quality Assurance, a licensing board that polices the state's 60,000 licensed physicians. This aggressive peer review agency stakes out waiting rooms instead of back alleys. Its aim is to put offending doctors out of business through administrative proceedings.

Depriving derelict doctors of their prescription pads and their licenses to practice isn't a national obsession yet. But some think it ought to be.

A DECIDED PREFERENCE

"It's a huge national problem," says Bonnie Wilford, the head of the American Medical Association's drug-abuse unit. Mrs. Wilford says prescription-drug abuse costs millions of dollars in fraudulent insurance-claims for misprescribed drugs each year. Meanwhile, the popularity of painkillers, stimulants and depressants for recreational use is growing. "Prescription drugs used to hit the street only when street drugs were scarce," Mrs. Wilford says. "Now there's an actual preference for the prescription product: It has a predictable potency, cheaper price and lighter penalties for use."

The National Institute on Drug Abuse says that 60% of hospital emergency-room admissions for drug overdose and 70% of drug-related deaths are due to prescription drugs—not street drugs. Mrs. Wilford says that "prescription drugs play a disproportionate role in overdose and death. We're looking at this as a public-health problem," she says, not just a matter of professional standards.

The American Medical Association has spent about $250,000 to develop a system of data analysis to help states focus their enforcement programs—usually spread out among police and professional agencies that don't necessarily talk to each other. The program, called "Prescription Abuse Data Synthesis," or PADS, has been used in Michigan, Nevada, Florida and Arkansas and is currently being studied by Oregon, Washington and Massachusetts.

Doctors who brazenly sell prescriptions are known as "scriptwriters." In the late 1970s, there were major "script mills" in operation from San Diego to San Jose. "Word would spread quickly where the candy store was," says Anthony Gualtieri, the chief medical consultant to the Board of Medical Quality Assurance. "It wasn't uncommon for these doctors to have lines of patients waiting for their prescriptions," Dr. Gualtieri says. In flagrant script deals, transactions are in cash and lack the formality of a physical examination of the patient.

DRUGS OF CHOICE

People who take prescription drugs to get high are creatures of fashion. One popular drug, Quaalude, finally was discontinued by its manufacturer, Lemmon Co. of Sellersville, Pa., after California banned the sale of the sedative. Users then hit upon a new favorite: Dilaudid, a potent prescription painkiller prized for its heroin-like rush. Soaring demand has pushed its street price to $60 per tablet.

"We felt these doctors were prostituting the profession, so we formed a strike force in 1978 to wipe them out," Dr. Gualtieri says. And while the scriptwriter isn't extinct yet, California's board boasts that it has put some operators out of business, including "diet" and "stress clinics" that were little more than drug pushers.

Vernon Leeper, the board's enforcement chief, points to a tally of scriptwriters on the door of his Sacramento office and says: "Since the strike force was formed in 1978, we've caught 300 physicians in our net."

Why doctors go astray isn't laid to a single cause. The BMQA characterizes overprescribers as either duped by manipulative patients, old and outdated in their pharmacology, or just plain greedy.

"A lot of doctors get into trouble because they can't say 'no,' " says a BMQA investigator. "We're going after the real money-monger."

The typical scriptwriter, Dr. Gualtieri says, isn't a young hustler with an M.D. degree, "They're mostly elderly physicians in the twilight of their career," he says. "They want to take things a little easier but maintain a certain patient load and economic standing."

Having maintained a respectable practice for four decades, Dr. Pontier says his Achilles' heel wasn't money, but manipulation.

"I was too easily influenced by my patients," he says. "Too accommodating. I never prescribed narcotics. Just Ritalin (a stimulant used to treat narcolepsy in adults and hyperactivity in children) and amphetamines. Course, a lot of women use amphetamines for diets. But being a accommodating doctor was what got my behind in trouble."

Dr. Pontier was caught on tape recordings being a pushover. Undercover agents, who were wired for sound, told him they wanted the drugs to take at parties, to sell on the street and to give to their "girls" who were described as "models." Dr. Pontier doesn't deny any of this, he says, "because it all happened."

But there is a note of regret in his voice. "I stil see old patients," he says, "socially, of course. I don't give them any medical advice. The medical board would raise hell with me if I did."

UP AGAINST BMQA

Still in practice but on five years' BMQA probation is Judson F. Eneas, a San Francisco kidney specialist and chief of nephrology at French Hospital whose medical career was nearly derailed by his collision with BMQA agents.

"I was naive," laments Mr. Eneas, 37. He says he filled agents' pain prescriptions for Empirin with codeine and for Valium against his better judgment—one of the prescriptions that got him in trouble was for an agent posing as a "cocktail waitress" with low-back pain who said her boyfriend was using her drugs. "I had a low threshold of suspicion," he says ruefully, explaining that he hadn't expected patients to lie to him.

In the aftermath of the BMQA ruling, which he plans to appeal, he says he sought a counselor's help for three months. He adds that his children suffered confusion and shame. His wife, who assists him in his

office, weeps into her hands and says: "It hurt."

He will fare better than most. Some doctors' licenses are revoked by the board for their offenses. Dr. Robert L. Anderson of Woodland, Calif., "issued false prescriptions for 2,400 Valium tablets in his father's name, kept 1,700 for himself, of which 1,400 were sold on the street," according to a BMQA report. Dr. Anderson's license was revoked last September. He couldn't be reached for comment.

SALES JOBS

In another pending case, a San Francisco psychiatrist prescribed 588,000 doses of controlled drugs between 1978 and 1981. He will face BMQA's licensing action after serving nine months in prison.

"Some doctors weather the discipline and disgrace to reenter the profession," says Mr. Leeper, BMQA's top cop. "Others just leave medicine. They're out there now, selling cars or real estate," he says.

Some doctors fight back, at great cost and with little success. "Defenses can run $50,000," says Dr. Brian S. Gould of the California Medical Association, the state AMA.

San Francisco defense attorney Patrick Hallinan condemns BMQA investigations as "outrageous entrapment," committed by "down and dirty narcs who want scalps." He also charges the board with selective prosecutions of black and Asian doctors.

RESPONDING TO COMPLAINTS

Dr. Gualtieri denies all that. "We're here to respond to complaints. We're not on a witch hunt," he says. Special investigator Ward Jayne notes that race isn't listed on prescription pads. "Entrapment is the classic defense, but it's never succeeded," he says.

Mr. Leeper says his agents scrupulously avoid entrapment, although he allows that "there is a lot of theater in undercover work." The board casts black and Hispanic agents for ghetto surveillance, and other agent personnel include middle-aged "school-teachers" and women posing as single mothers working their way through school. "Some of the stories break your heart," says Mr. Jayne. "But the bottom line is: Is the doctor practicing good medicine or giving drugs on demand?"

That line isn't always clear, says CMA's Dr. Gould. "If a doctor listens to a patient describe vague pain or nervousness, that may seem like a trivial medical indication," he grants. "But I invite any ivory-tower critic to come deal with human misery on the front line, the way a practicing physician does."

Still, he concedes that undercover agents play a part in keeping the profession honest. "Sometimes," he says, "it's the only way to find out what goes on behind closed doors."

TIME FOR PRESIDENT REAGAN TO GET SERIOUS ABOUT ARMS CONTROL

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

Mr. SEIBERLING. Mr. Speaker, today the first Women's National Conference on Preventing Nuclear War is being held in Washington. It is a measure of the seriousness with which the people of the country view the issue of nuclear war. It also comes at a time when, after nearly 4 years, the Reagan administration is the first administration since World War II to achieve no arms control or any other international agreement with the Soviet Union.

The one concrete proposal on either side is the Soviet call for a moratorium on further testing of antisatellite weapons while negotiations to ban them go forward. Whether by inadvertence or design, the administration appears to have torpedoed this sensible proposal by insisting on including the entire subject of the strategic arms reduction talks on the agenda. As was to be expected, the Soviets, who have backed out of those talks, rejected this approach and construed it as a deliberate attempt by the Reagan administration to give the appearance of wanting negotiations while preventing them from happening. This is a particularly tragic development, not only because a ban on antisatellite weapons is in our interest as well as the Soviet's, but because a successful negotiation on that could pave the way to reviving broader negotiations on strategic weapons generally.

Mr. Speaker, perhaps the specter of defeat by the voters in the coming elections will focus the administration's atttention on serious arms control negotiations where the threat of nuclear annihilation has not. Let us hope that the Women's National Conference will contribute to shaping the public's focus on both issues.

In an article printed in the Akron Beacon Journal of August 1, 1984, New York Times writer Tom Wicker spelled out the administration's sorry record on arms control negotiations. The complete text of Mr. Wicker's article follows these remarks.

HOW REAGAN SHOWS LACK OF INTEREST IN ARMS CONTROL

(By Tom Wicker)

NEW YORK.—The on-again, off-again prospect of Soviet-American negotiations this fall—whether to ban space weapons, as Moscow says it wants, or to include nuclear arms control, as Washington insists—may give President Reagan a domestic political boost he needs but hardly deserves.

These exchanges no doubt signal to the casual voter a commendable willingness on Reagan's part to sit down with the Russians and talk about anything. And some in the State Department really may want to use Moscow's apparent desire for a ban on space weapons to get broader arms controls talks going again.

But the one concrete proposal on either side so far is the Soviet call for a moratorium on further testing of anti-satellite weapons, while negotiations to ban them go forward—and to that worthwhile proposition, Reagan shows no sign of agreeing.

Ostensibly, the reason—tamely parroted by much of a press that seems to have forgotten what Vietnam and Watergate taught about government creditbility—is that the Russians are "ahead of us" in anti-satellite weaponry. Therefore, official sources say, a moratorium would be to their advantage.

That's baloney, as anyone who queries independent scientific authorities about the Russians "operational" anti-satellite weapon (ASAT) can learn. It's known to be a primitive device with an unimpressive testing record that can attack satellites only in low earth orbit, from a total of eight launching pads.

The multiton ASAT is deployed atop a monster Soviet missile that cannot be concealed; nor could its launch; and the ASAT, once in orbit, could be readily tracked by U.S. radar and cameras. There's no way the proposed moratorium could be violated without U.S. detection.

Meanwhile, the administration is preparing to test this fall a far more sophisticated ASAT—an 18-foot rocket with a heat-seeking warhead, to be fired into orbit by an F-15 fighter. This weapon can take out Soviet satellites up to about 1,000 miles in the atmosphere.

That's why the administration doesn't want a moratorium; it would prevent the crucial tests of the American ASAT, tests that would vault the U.S. ahead.

But the history of the arms race leaves no doubt that the Russians would then drop the moratorium and their proposed anti-ASAT treaty and move to catch up. The arms race would go on at a new and more dangerous level.

Satellites, after all, are vital to the verification of treaties limiting arms deployments. If a nation's satellites are not secure, that nation cannot have enough confidence in its verification procedures to enter into such treaties. So Reagan's reluctance to negotiate a ban on ASATs, his refusal so far to accept a moratorium on testing them while negotiations proceed, only suggest again his lack of real interest in any form of arms control.

George McGovern, emerging from a meeting with Andrei Gromyko, quoted the veteran Soviet foreign minister's conclusion that the Reagan administration was "the first one he has had to deal with that delibrately offered proposals they knew were unacceptable to the other side. . . . The administration seems to be looking for proposals that would be rejected. They do not want agreements, but they want the appearance of negotiations."

It's unpleasant to concede that Gromyko, with so many sins of his own to answer for, has a point. But look at the administration's record:

Negotiations only for an ASAT ban refused.

Negotiations for a comprehensive test-ban treaty abandoned despite the U.S. commitment to such a treaty since the Eisenhower administration.

Ratification of a completed treaty banning smaller nuclear explosions refused, because the Russians rejected administration demand that the treaty be reopened.

The intermediate-range missile talks canceled by Moscow after the administration deployed cruise and Pershing 2 missiles in Europe, despite repeated Soviet warnings that this deployment would mean the end of the talks.

The strategic missile negotiations canceled by the Kremlin, partly because of the U.S. missile deployment in Europe, partly because of one-sided administration proposals that would have forced a complete reshaping of Soviet nuclear forces.

The successful antiballistic missile treaty, in force since 1972, to be put aside if necessary for the development of the enormously

costly but dubiously effective "Star Wars" defensive system.

THE RISK IS BEING MANIPULATED

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

Mr. ALEXANDER. Mr. Speaker, in observing the President's statements over the last several days concerning budget taxes and deficit matters, one thing is clear: The President is again confused over economic issues. I hope that every American would take the advice of the gentleman from Indiana, Mr. BURTON, who just advised all citizens to discover the facts for themselves concerning this President's record on economics.

Leland DuVall, associate editor of the Arkansas Gazette, has written a series of eight articles entitled the "Unfilled Promises of Supply Side Economics," which are published in that newspaper. If these articles were read by all Americans we would learn the facts about Reaganomics: That instead of a balanced budget by 1983 as Ronald Reagan promised he gave the Nation a $195 billion deficit, and many other relevant facts that are important to the issues that are being debated today.

Mr. DuVall admonishes all of our citizens that in a democracy, everyone must know what is happening, when it is happening, or risk being manipulated.

Mr. Speaker, I insert the first of a series of eight articles in the RECORD entitled "Unfilled Promises of Supply Side Economics," the first article "Promises, Promises."

[From the Arkansas Gazette, Sept. 9, 1984]

UNFILLED PROMISES OF SUPPLY SIDE ECONOMICS—PROMISES, PROMISES

(By Leland DuVall)

A troubled Republican Senator, agonizing over Richard Nixon's role in Watergate, sought to bring the episode into focus. The question, he said, is: What did the President know and when did he know it?

A paraphrase of the question, in a broader and more significant sense, can be used to measure the effectiveness of citizens in a democratic system of government. In this application, the inquiry is: What do the people know and when do they know it?

Democracy is based on the premise that citizens must know what is happening while the events are in progress. If we permit our attention to be diverted by slick semantics and campaign rhetoric so that we concentrate on inconsequential matters, we risk allowing ourselves to be manipulated. Of course it could be argued, quite accurately, that we have only ourselves to blame when we confer the wrong mandate and invite policies that produce minor disasters. That is the price we pay for freedom.

The alternative is to examine the promises of the candidates and the performance of the winners to determine (1) whether the pledges were honored and (2) if the policies that were initiated delivered the expected results.

The beginning of a national campaign to elect a president and vice-president is the appropriate time to analyze the political handiwork of the incumbent and weigh the achievements against the glowing promises of what he called a "New Beginning."

Obviously, the task is not as simple as it might seem. If we counterweigh the accomplishments of the Reagan administration with the 1980 Republican platform and the promises of the candidate, there is a danger of distortion. Some events (good and bad) were predetermined by previous policies and more than a few developed quite unexpectedly. We must allow for the fact that an incumbent, by tradition, seeks full credit for those events that are deemed to be favorable and assigns blame to the opposition for failed policies. Somebody always has a thumb on the scales.

Even after we allow for distortions, similarities between the four-year-old promises and contemporary conditions are a little hard to find. However, consider these specific areas:

During the 1980 campaign, Ronald Reagan promised to deliver a balanced budget for fiscal 1983. The schedule was revised after the inauguration and 1984 was named as the year when revenue and spending would be equal, with maybe a little left over to be applied to the disgraceful national debt.

But in 1983, the deficit turned out to be $195.5 billion, and current estimates place the shortfall this year at about $177 billion. Moreover, the situation is expected to deteriorate for the remainder of the decade unless government takes drastic action.

Inflation, a vexing matter in 1980, was supposed to be controlled by the policies of the "New Beginning." Indeed, a glance at the performance of the Consumer Price Index reveals this area as the best performance of the administration, but the method used bears no resemblance to the promise that prices would be stabilized with abundant supplies and a balanced budget.

The recession that was underway during the 1980 compaign was blamed on Jimmy Carter and described as the "worst mess since the 1930 decade." Even though the colorful description could be attributed to political exaggeration, the recession that began in the summer of 1981 wiped out the memory of President Carter's "worst" months.

Unemployment, we were told in 1980, had been shamefully high during the previous administration. The application of supply-side economics would cure the problem and create jobs for everyone. But something must have gone wrong. Unemployment peaked near the end of 1982, two years into the current administration, at a postwar high of 10.8 per cent, and after almost two years of "strong and healthy recovery," we are barely back to the level of the "worst" unemployment experienced during the four years that preceded the "New Beginning."

Unemployment rate

	Percent
1979	5.8
1980	7.1
1981	7.6
1982	9.7
1983	9.6

When we import more than we export, the jobs of American workers are sacrificed. An anonymous economist even calculated the number of jobs "lost" at 30,000 for every $1 billion worth of goods imported. (The science is inexact and others arrived at different figures.) Since the United States had a merchandise trade deficit of $27.5 billion in 1979, the disciples of the "New Beginning" concluded that the United States was losing a vast number of jobs because the government was mismanaging the economics machine. The magic of supply-side economics would correct this, Mr. Reagan said.

In 1983, the third year of the "New Beginning," the merchandise trade deficit was about $69.5 billion. Regardless of how it is figured, this country was losing more than twice as many jobs to imports in 1983 as it was in 1979. But that is only the beginning; the merchandise trade deficit this year has been projected at $130 billion.

Merchandise trade deficit

	Billions
1979	27.5
1980	25.5
1981	28.0
1982	36.4
1983	69.5
1984	130.0

Interest rates were high during the 1980 campaign but economists and lenders (particularly lenders) had an explanation. Inflation was to blame, they said. The "real" interest rate (adjusted for the declining purchasing power of the dollar) was at about the tradition level of 3 per cent, and, therefor, lenders were only demanding the fees that had been paid all along but, being smart, they were covering the deterioration of the money.

Mr. Reagan understood the concept of "real" interest rates and proposed to correct the problem by initiating policies—namely, supply-side economics—that would cure inflation so that interest rates could decline.

The Consumer Price Index rose 3.8 per cent last year and is climbing at an annual rate of about 4 percent this year, meaning that "real" interest—the nominal rate minus inflation—is at a near-record level.

In fact, Mr. Reagan recently described interest rates as "outrageously high" in relation to the rate of inflation.

"I just believe," he told a news conference, "we're seeing an unwillingness out there, an inability to believe we have control of inflation."

The conclusion is a bit strange, in view of the fact that those who operate the financial markets are among Mr. Reagan's most dedicated supporters. Certainly, they are strong believers in the tax policies that formed the basis for his economic plan.

One recurring theme during the 1980 campaign was a complaint about the "weak" dollar. Political speakers were not anxious to discuss what constituted a "weak" or a "strong" currency or to analyze the results when relative values changed. The implication was that a dollar with purchasing power of fewer marks or yen than at some earlier time signified economic deterioration. The strength of the U.S. currency would be restored with the sound fiscal policies of a new administration.

This particular pledge has been redeemed; the exchange rate of the dollar has climbed dramatically among the trading nations. The dollar now "buys" about 2.9 marks or 245 yen, compared with about 2.3 marks or 185 yen when our currency was regarded as "weak." But for some reason, the results have not been as helpful as we might have expected.

The explanation may lie in the strategy—unplanned though it was—by which the currency ratios were tilted. We did it with debt,

rather than productivity, and the results show up most dramatically in floods of imports and the exploding trade deficit.

The totally unexpected result of "restoring the deserved strength of our weakened dollar" points up a major problem for the successful politician. The solution may result from an unanticipated source and the consequences may be totally undesirable—in this case, a $130 billion merchandise trade deficit.

In a democracy where we get—and, ultimately, pay for—the things we mandate with our votes, those among us who participate in the process are obligated to "know what is happening while it is happening." The responsibility is not to be taken lightly.

NEW HOUSE TV RULE NEEDED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. LOTT] is recognized for 5 minutes.

● Mr. LOTT. Mr. Speaker, today I have introduced a resolution that would amend House rules by striking the present House broadcasting rule, House rule I, clause 9, and add a new rule LI providing for the complete and unedited broadcast coverage of House proceedings.

I have introduced this new House broadcast rule because I think it is important to remove the taint of partisan manipulation, control or censorship of our televised proceedings. As my colleagues are well aware, the Speaker currently exercises exclusive authority and control over our broadcast system, and that authority came under heavy fire last May when the Speaker ordered the cameras to show the entire Chamber during special order speeches at the end of the day. Prior to that time, the cameras had only shown closeup shots of the persons speaking. The Speaker admitted that he had made this change in response to Republican special order speeches which were critical of certain Democrats.

Mr. Speaker, we have made it quite clear on our side that we would have no objection to showing periodic views of the entire Chamber, so long as it is done on a uniform basis throughout each day's proceedings, including during the debates on legislation. But the Speaker has not adopted such a uniform policy. He has thereby underscored his initial intent and principal motivation which is to embarrass Republican speakers who have been using the special order period at the end of each day to emphasize their agendas. This special order period is especially important to the minority party in the House since it otherwise has no opportunity to indicate or discuss the issues which it thinks the Congress should be dealing with. The majority party sets the legislative agenda for the House, which is its right.

THE NEW BROADCAST RULE

Mr. Speaker, the new rule which I am proposing would still retain the ultimate control of the House broadcast system under the Speaker, which is his prerogative as the presiding officer of the House with control over the Chamber. However, the rule would modify that authority in two important respects. First, the Speaker would be advised by a completely bipartisan Broadcast Advisory Board consisting of the majority and minority leaders and four other Members, two from each party. Such a Board was originally recommended by the ad hoc Subcommittee on Broadcasting of the Rules Committee in the 94th Congress and incorporated in House Resolution 875 reported from that subcommittee. Ironically, that proposal was signed off on by then majority leader, TIP O'NEILL, who was acting as Speaker Albert's agent in negotiations with the subcommittee. Unfortunately, the subcommittee's resolution was recommitted by the full Rules Committee for further refinement. The subcommittee subsequently reported House Resolution 1502 which retained the bipartisan Broadcast Advisory Board, but no further action was taken on the resolution in that Congress.

In the 95th Congress, another Rules Subcommittee worked on the House broadcasting issue, and ultimately recommended a House owned and operated system under the Speaker, with its actual operation to be delegated to a new or existing House committee. The proposal was endorsed by the Rules Committee and eventually was accepted by the Speaker. However, the Speaker appointed a Speaker's Advisory Committee on Broadcasting heavily weighted to the Democrats by a 3-to-1 ratio. But even that Advisory Committee was abandoned at the beginning of the 97th Congress, and now only one of its members remains as an adviser to the Speaker.

I think the time has come to resurrect the original proposal of a completely bipartisan broadcast advisory board to remove any hint of partisan control of the cameras.

The second important feature of my new rule is also a variation on a proposal of the bipartisan Rules Subcommittee in the 94th Congress. It had recommended that the broadcast system be operated by a network pool, rather than by the House. Since we already have a House-owned system in place, I am not recommending that we revert to that proposal, but instead have proposed that the hiring of the broadcast personnel, their supervision, and the formulation of coverage policies be vested in the Executive Committee of the Radio and Television Correspondents' Galleries—professional broadcasters. While the Speaker would still retain ultimate control over the system, he would be required to consult with his bipartisan advisory board before any major policy changes are made. Moreover, it would be expected that there would be no interference with the delegation made to the professional broadcasters for the daily operation of the system so long it is being conducted in conformance with the traditional standards of dignity, decorum, and propriety of conduct associated with proceedings in the House Chamber under our precedents.

Finally, my new rule would reemphasize that the broadcast coverage be complete, unedited, and continuous while the House is in session—gavel-to-gavel coverage which would include a view of the Chamber while Members are voting as well as the special order speeches at the end of the day. While our present rule also requires this, the Speaker has instituted a policy of blacking-out the voting in the Chamber, something which in my opinion, based on the history of the rule, is in violation of the present rule.

My rule would also retain the current prohibition on using the televised coverage in commercial advertisements or for partisan political campaign purposes.

Mr. Speaker, I think the proposal which I am offering today strikes a balance between the two alternatives which were heatedly debated in the 94th and 95th Congresses, a House broadcast system versus one operated by the networks. But, by placing the daily operation of the system in the hands of personnel who would be directly responsible to the elected committee of professional broadcasters in the Congress, subject to the check of the Speaker and the new bipartisan advisory board, I think we can take a giant step toward restoring confidence, quality, and credibility in our broadcast system.

At this point in the RECORD, Mr. Speaker, I include a section-by-section summary of my resolution. The summary follows:

SECTION-BY-SECTION SUMMARY OF LOTT HOUSE BROADCASTING RESOLUTION

TITLE

SEC. 1. The resolution may be cited as the "House Broadcasting Amendments of 1984."

FINDINGS, PURPOSE, AND INTENT

SEC. 2. The House finds that the success of a democratic government depends on an informed electorate, and that broadcasting House proceedings will contribute to that end. The purpose of the resolution is to provide a means, consistent with the standards of dignity, propriety and decorum of the House, to broadcast House proceedings for the enlightenment of the public on the issues and procedures of the House. The intent of the resolution is to broadcast House proceedings in such a way that will not distort House proceedings, cast dishonor on the House or its Members, or contribute to the public perception or real potential for congressional or partisan control, manipula-

tion or censorship of the broadcast coverage.

AMENDMENT OF HOUSE RULES

SEC. 3. House Rules would be amended by striking the present House broadcast rule in Rule I, clause 9, and adding a new Rule LI, "Television and Radio Coverage of House Proceedings."

The new rule would establish a House Broadcast System that would provide for complete coverage of all proceedings including voting and special orders.

Coverage could only be restricted by the adoption of a resolution of the House or the invoking of rule XXIX providing for secret sessions.

Responsibility for the implementation of the broadcast rule would be vested in the Speaker who would be assisted by a Broadcast Advisory Board consisting of the majority and minority leaders and two Members from each party.

The daily operation of the broadcast system would be vested in the Executive Committee of the Radio and Television Correspondents' Galleries, including the designation and supervision of system employees and formulation of coverage policies. Such delegation would be subject to the direction and control of the Speaker, in consultation with the Broadcast Advisory Board.

The provision for coverage, including the purchase of equipment and compensation of broadcast personnel, would be vested in the Clerk of the House, under the direction and subject to the approval of the Speaker.

All accredited broadcasting stations, networks, services and systems (including cable systems) accredited to the Radio and TV Galleries would have live access to the coverage, as would House Members and committees.

Coverage could not be broadcast with commercial sponsorship except as part of bona fide news and public affairs documentary programs, nor could it be used in any commerical advertisement.

Coverage could not be used in any partisan campaign material to promote or oppose the candidacy of any person for elective office.

The Clerk would be required to enter into arrangements with the Librarian of Congress for the recording of proceedings and their maintenance on a permanent basis for reference and viewing purposes, and reproduction could only be made for such purposes.●

HUMAN RIGHTS VIOLATIONS IN NORTHERN IRELAND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, I rise today to join with my good friend and colleague, the Honorable MARIO BIAGGI, who is chairman of the Ad Hoc Congressional Committee for Irish Affairs, of which I am proud to be a member, to call the attention of my colleagues to the human rights violations taking place in Northern Ireland, and to urge an immediate end to the terrible violence in that country.

Today, hundreds of Irish Republican prisoners remain in jail behind a British wall of silence, daily abuse, denial of due process of law, and human rights violations. Peaceful protesters and innocent bystanders have been severely injured and murdered by plastic bullets, and emergency legislation enacted by the English Parliament has circumvented the protections inherent in the British legal system. The law has become a tool to suppress and oppress rather than a guarantor of the civil and political rights specified under the English common law system.

Although the New Ireland Forum has taken a bold initiative in proposing peaceful solutions to the very complex and tragic situation in Northern Ireland, the British Government has still not taken any position on this ground-breaking report, and this nonaction only aggravates an already explosive condition.

I was a cosponsor of House Concurrent Resolution 276, a resolution approved by the full House of Representatives expressing the sense of Congress that the participants of the New Ireland Forum are to be commended for their efforts to bring about genuine progress in the search for a just and peaceful solution to the problems of Northern Ireland. Since we in Congress recognize that only through peace and cooperation can the suffering in Ireland be halted, we must strongly condemn the violence perpetrated in the past by individuals and the Government there and we must call for an immediate end to human rights violations. The Irish people have suffered too much and too long already, and any continued violence makes it much more difficult to achieve an end to the hostility there.

Mr. Speaker, peace and justice are goals to which our great Nation must remain committed, in both word and deed, and human rights and peace in Ireland must become a vital part of U.S. foreign policy.●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. TORRES] is recognized for 5 minutes.

● Mr. TORRES. Mr. Speaker, I was not present during House proceedings on Thursday, September 6. Had I been present on the House floor, I would have cast my votes in the following manner:

Roll No. 375. Shaw amendment to H.R. 3605 precluding FDA approval of generic substitutes until 18 months after the generic drug application in cases where patent litigation is underway; "no."

Roll No. 376. Quillen amendment to H.R. 3605 to remove over-the-counter drugs from coverage under the bill; "no."

Roll No. 378. Frenzel amendment to H.R. 3605 to change the effective date of catalog description provisions to items manufactured 180 days, rather than 90, after enactment; "no."

Roll No. 379. Final passage of H.R. 3605, Drug Price Competition and Patent Term Restoration Act; "yea."

Roll No. 381. Dannemeyer amendment to H.R. 5602 to reduce the authorization levels for programs in the bill; "no."●

MILITARY FAMILIES STRUGGLE FOR BASICS OF LIFE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

● Mr. PANETTA. Mr. Speaker, 2 weeks ago a 13-year-old son of an Army sergeant took his own life after telling his mother, "If you didn't have me to feed, things would be better." His was not an isolated case, as many military families, strapped financially by the lack of on-base housing or separated by oversea assignments, struggle to make ends meet.

The quality of life within the U.S. Armed Forces is an issue of growing concern for all Members of Congress. The effectiveness of our Nation's defenses is threatened by the continued erosion of morale within the military community.

I know I am not alone in expressing shock about recent reports that military families have been forced to rely on food stamps to put food on the table. Surely we as a nation, in asking for the supreme sacrifice of life in our defense, ought to better provide for military personnel and their families. This issue demands our immediate attention.

Mr. Speaker, I offer for the benefit of my colleagues the following article on the hardships of military life, as printed in Sunday's edition of the "New York Times."

MILITARY FAMILIES STRUGGLE FOR BASICS OF LIFE

(By Robert Lindsey)

FORT ORD, CA, September 8.—When Darlena Bradshaw learned that her husband, Gene, an army enlisted man, was being transferred from Germany to California not long ago, she entertained visions of palm trees and an easy life back in the states.

Instead, she and her husband and their three children are living in a tiny automobile trailer parked in a dusty, bleak campground in the heart of this Army base, along with dozens of other military families.

"They told me there's a waiting list for housing on base of seven months," she said, "and the only places you can rent off base that will take three kids is $1,000 a month. Who can afford that?"

On Aug. 27, Danny Holley, the 13-year-old-son of another soldier, whose family was financially distressed and had been troubled by bureaucratic snarls, hanged himself near Fort Ord after telling his mother, "If you didn't have me to feed, things would be better."

The teen-ager's suicide has focused new attention on economic hardships that are

bedeviling the families of many enlisted men and women, especially those based in regions of the nation where housing costs are unusually high, such as here on California's Monterey Peninsula.

"This is not an isolated case," said Representative Leon E. Panetta, the Democratic Congressmen who represents this area. As a result of the suicide, he is seeking to conduct a Congressional review of military compensation policies

"There are a lot of military families living on the brink of serious trouble, both from an emotional point of view and a financial point of view," Mr. PANETTA said in an interview. "We focus a lot of new weapons, but I think very little attention is spent on the human element."

Congress in recent years has approved a series of laws that have improved wages and benefits for military personnel.

With housing allowances, a sergeant such as Mrs. Bradshaw's husband is paid more than $18,000 a year before taxes. A colonel in the Army or Air Force earns almost $50,000 a year with housing and other allowances, and more if flight or hazardous duty pay is authorized.

In addition to their salaries, military personnel have access to free medical care and food commissaries and retail stores at military bases, where prices often are 20 percent or more less than in nearby communities.

After 20 years of service, military personnel can retire with half pay, which rises with the cost of living, and continued free medical care and access to cut-rate gasoline, groceries and other merchandise sold on military bases.

Despite the gains, military officials say that many married enlisted men and women, as well as some junior officers, have enormous difficulty living on their salaries, especially if Government housing is unavailable and they must rent apartments or houses in communities where costs are especially high. All officers and enlisted men who live on base are provided free housing.

Generally, they say, military families stationed in the South, in the Southwest and in the Middle West fare best. They often find their housing allowance exceeds the rent for attractive off-base housing.

Those who have the toughest time financially, the military officials say, are those assigned to California, the District of Columbia, Hawaii, Alaska and facilities near major urban areas such as New York, Boston, Philadelphia and Chicago.

Congress recognized that regional differences in housing costs sometimes occur and several years ago authorized higher allowances for higher-cost areas. But military officials contend that even the higher allowances are often inadequate.

COST OF FORT ORD AREA

Few bases, the officers say, have had much of a housing crunch as Fort Ord. Rents in the area reflect the base's site on the ocean at the edge of several popular resort and retirement communities.

For a modest two-bedroom house in the communities, including many that Lieut. Col. Fred Meurer, the base engineering and housing officer, say are "hovels," soldiers must pay $650 a month. Based on the size of their housing allowance, he said, only about 4 percent of the 21,000 or so personnel stationed here, those with a rank of lieutenant colonel or higher, can rent housing off the base.

"The other 96 percent can't afford to live here," he said. "It breaks your heart to go down to the commissary and see people there with food stamps." Although there are 4,771 family housing units available on the base, there is a waiting list of 2,500 soliders.

SOLDIERS HAVE SECOND JOBS

As a result of the housing market, Colonel Meurer said, many soldiers must take a second job in order to rent a home in the community; growing numbers of military families are sharing rented homes, one bedroom to a family; and, while the Army does not officially acknowledge it, many families are being forced to live in tents or small trailers on the grounds that were once reserved for weekend recreational campers.

The death last month of Danny Holley was hauntingly similar to a story in Thomas Hardy's 1895 novel, "Jude The Obscure." In the story, a boy about his same age overheard his parents talking about their serious financial problems and he told his mother: "If we children was gone, there'd be no trouble at all."

He was found later, along with the bodies of two siblings, hanging from a hook in a closet beside a note that said: "Done because we are too menny."

According to the police, the body of Danny Holley was found hanging by a rope from a hook screwed on the eaves of the house his parents had rented in the nearby community of Marina for $750 a month.

His father, Johnnie, a military policeman, had met his wife, Jennifer, a native of Northern Ireland, in Alabama, where she had worked as a governess.

According to Rodger Murphey, an Army spokesman, after Sergeant Holley completed a three-year tour of duty in West Germany this spring, he asked for and was granted a one-year tour in Korea, with the stipulation that he would be assigned to Fort Ord when it was over.

On June 4 he brought his family to settle here and a month later, after living briefly in transient guest quarters at the base, rented the home in Marina.

Before moving into the house, Sergeant Holley, whose pretax monthly income was $1,662, had to pay $1,700 to the landlord for the first and last month's rent and a $200 security deposit. In mid-July, Sergeant Holley left for Korea.

TWO MISTAKES HURT

The rental payment apparently exhausted the family's resources, which had been hurt by two things that occurred in the course of the transfer from Germany: For reasons still unknown, the Army mistakenly shipped the family's car to New Orleans instead of Fort Ord, making it difficult for Mrs. Holley to look for a job; and, because of a paperwork snafu, the American bank that had held its savings account in Germany did not transfer the money to this country as planned.

On July 11, Danny Holley, the oldest of family's four children, arrived at the offices of the Army Community Services, an Army relief agency, and said his family was in dire financial straits, with little food to eat. The evidence indicates that the Army moved quickly to help the family.

A social worker immediately arranged a $1,300 interest-free loan from a special fund designed to help newcomers pay initial rental payments. Later, the base chaplain's office helped provide groceries that it said would sustain the family at least 15 days.

Still, the family appeared short of money. After his father left, Danny Holley was often heard complaining that they had no money, and he was collecting discarded aluminum cans and taking them to a local supermarket, where he sold each for a penny. Shortly after telling his mother, "If you didn't have me to feed, things would go better," he committed suicide.

His father has since been transferred to Fort Ord and sympathetic well wishers have sent the family more than $3,000.

His mother told reporters that she was grateful for the help given her family prior to her son's death and the help that others had given since. She said she blamed no one. "We all," she told one reporter, "have to answer to the Lord, who said, 'Danny, come home,' and he went home."

"IT'S A TERRIBLE SHOCK"

For others at this base, the job of survival goes on. "It's a terrible shock to come here," said Specialist 5 Crystal Ringue, who said she cried when she saw how expensive it would be to find a home for herself and her two children after being transferred here. "I came from Fort Polk, La., and had a huge four bedroom home for $250. "You can't even get a dump here for that."

[From Newsweek, Sept. 10, 1984]

"ONE LESS MOUTH TO FEED"

It's a time-honored saying—and a sincere one: "The Army takes care of its own." But as Jennifer Holley, Army wife, cut the cold body of her 13-year old son from a backyard rope near Monterey, Calif., last week, the words rang a little hollow. Trying to manage two difficult long-distance moves at once, Sgt. Johnnie Holley encountered Army snafus and a rough patch financially. In his absence, Holley's son Danny, a sensitive boy, had repeatedly told his mother, "If there was one less mouth to feed, things would be better." Finally, he chose to take matters into his own hands.

It was a tragic, muddled and in many ways blameless story, but the hanging renewed debate over the military's policy of frequent changes of station. En route from West Germany to South Korea, Holley decided to settle his family at Fort Ord near scenic Monterey—an expensive choice. With Army housing scarce in such a desirable location, he was forced to find a house off base. The $750-a-month rent—standard for the area—was so steep that even a $1,300 interest-free loan from the Army left the Holleys strapped. On July 11, Danny and his eight-year-old brother, Johnnie, showed up at the Fort Ord Army Community Services Office and said simply. "We're out of food." Two days later, their father shipped out to Korea—and Danny began collecting aluminum cans to pick up spare change.

The Holley's problem, Army officials say, was less pay than logistics. Their car, shipped at Army expense from West Germany, somehow ended up in New Orleans. Their savings took time coming up from a Florida bank. And until they were assigned a caseworker, the Holleys did not request the various services that were available to help them. "If they were hungry, there's no limit to the amount of food they could receive," says Maj. Jeff Barber, a Fort Ord public affairs officer. Since the tragedy, hundreds in the community have donated food and money to the Holley family. "The belief that the Army takes care of its own has been somewhat trod on this week, but we still believe it," Major Barber says. Danny, his mother said, just didn't have the patience to wait.●

□ 1700

JUDICIAL SYSTEM IN NORTHERN IRELAND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. FISH] is recognized for 60 minutes.

Mr. FISH. Mr. Speaker, I am sure there will be colleagues who will be joining me in this special order, the subject of which is the judicial system in Northern Ireland. We speak on this issue more in sorrow than anger.

I start with the political situation in that country, which is one of violence. We deplore the violence. We deplored the violence years ago of the provisional IRA. We are also told by many authorities today that fundamental native Irish nationalism has been overtaken by terrorists who have strong links with international terrorism.

Obviously no civilized nation can countenance such behavior nor should they. But many of us also feel that the response to terrorism should be a law enforcement response. And many of us feel that in lieu of that the Crown in Northern Ireland has allowed a corruption of its own judicial system, turning that system to violence in response to violence, and that is the issue that we want to raise and address here in this special order this evening.

Many of us who are lawyers feel strongly about this issue because of the fact that Great Britain is, of course, the nation that gave us our language and common law; it gave us so many of the moral principles as well as the legal principles; a law that is adhered to by English-speaking nations around the world.

But what we have seen is a truncated use of the judicial system in response to the terrorism and the violence in Northern Ireland.

Seven years ago when I visited the north of Ireland we had the Diplock Courts. People were arrested and held incommunicado for up to 7 days, with a remarkable number of confessions coming through in those 7 days, and trials without jury being conducted on the basis of these confessions.

After Amnesty International complained and after the Crown's own investigative report brought out the issues of brutality that took place during the incarceration of the suspects, this matter was changed. You now have a new device that is a corruption of justice, and that we will be exploring tonight.

Northern Ireland has been governed by emergency legislation since its creation some 60 years ago.

Arbitrary detention has become the norm. Parliament in London has determined that only draconian measures can make an explosive situation manageable. Emergency legislation which has been passed contravenes the first, second, third, fifth, sixth, and fourteenth amendments to our Constitution. Convictions for offenses against the State have not been the result of due process of law as that term is understood in nations that respect the rule of law.

Parliaments emergency laws provide for very wide powers of arrest, detention, search and seizure. A soldier or policeman may arrest without warrant anyone suspected of being a terrorist without reasonable suspicion. Suspects can be held incognito for 7 days.

Under the emergency act the right to a trial by jury has been abolished and cases are heard by a single judge, a person charged with an offense has no right to bail. In some cases such as weapons possession, the onus of proof is on the accused and requires the accused to give evidence and be cross examined.

Normally, where the accused has made a statement of admission while in police custody, the prosecution must show that a confession was voluntarily given and that the accused was not in any way mistreated, threatened or given any inducement in order to make a statement. Under the emergency legislation, a confession will be admitted unless the accused can prove that he was tortured, he must give evidence and 'rough handling' such as being slapped on the face is permissable in order to extract a confession.

Parliament also has established a number of offenses which are not offenses under the common law. These relate for the most part to censorship and freedom of association and expression.

In general the act has been bad enough but in practice many specific abuses abound, especially with regard to the police and their attempts to obtain confessions from those who are in their custody and suspected of terrorist activities.

Sometimes the prosecution doesn't even rely on a confession. Since 1980, the Crown prosecution has relied steadily on evidence of so-called supergrasses or alleged accomplices to secure convictions. Many convictions are obtained with uncorroborated evidence. The supergrass is given total immunity from prosecution, a new life and lifetime financial support. Several have admitted perjury in open court.

There are also mass trials of up to 75 defendants at a time in which one or more supergrasses figure prominently. In the north of Ireland there are many who are serving long sentences under harsh conditions because of uncorroborated evidence at massive trials.

The uses and abuses of the emergency legislation that exists in Northern Ireland has alienated large sections of the community from the institutions of government and the protection of the law itself. The law has become an instrument of oppression rather than a guarantor of civil and political liberty.

We deplore all violence in Northern Ireland, we deplore the violence of the provisional IRA, the violence of the terrorists, the violence of the Royal Ulster Constabulary brought to public attention only a few weeks ago when they broke into a political rally and fired plastic bullets, killing one of the spectators. We deplore the violence of the British Army and probably most of all we deplore the violence of the judicial system, because we feel the closeness to that system as a country that has inherited so much of it.

Since my journey to Ireland in 1978, I have been kept closely appraised of the conditions prevailing in the northern six counties, things have changed but only for the worse. Today the heritage of law, a precious gift of England to so many judicial systems throughout the world has apparently been cast aside by Great Britain in her response to the violence and destruction that prevails. Today also, the principals of justice and peace for all that have been the foundation of the traditional struggle of the Irish have been abandoned by those who care more for murder and mayhem of international terrorism.

I still think as many of us proposed a few years ago that there is a role for the United States, a role of honest broker. There is hardly a home in the Republic of Ireland or in the north of Ireland that does not claim some affinity with the United States. I know of no other nation in the world that can play the role of honest broker to bring all of the parties together looking for justice and peace as an end result.

We have proposed in the past that this meeting be held in the United States, a neutral territory, so to speak, so we offer to all of the elements in the north and in the south, those responsible political groups that do seek an end to the violence and do seek peace and justice in that land. I think in the meantime that the United States should make it absolutely clear that we are not going to tolerate the economic conditions that have given birth to so much of the problem.

It is no accident, Mr. Speaker, that in those pockets of the north where a majority of the population are Roman Catholic that for years the unemployment rate has stayed around 25 percent. Investments, public investments, private investments from the United States are needed to create jobs.

But I think it is incumbent on us to make sure that when these investments, public or private, are made in the north of Ireland, that they do not lead to further discrimination in employment. To do so is actually a violation of the laws on the books in that country.

But we know these laws are not adhered to and we should not be a party to it. But, on the contrary, we should be a responsible party to see that just the opposite happens and that American investment does result in jobs in that country, in a nondiscriminatory fashion.

So, Mr. Speaker, I think there are steps that we can take. Nobody applauds the situation in that country, the violence on all sides. Everybody deplores it.

So, Mr. Speaker, I raise this issue tonight. My colleagues will be joining me in statements to this effect. We will be elaborating on the nature in more detail and will lay out this extraordinary story of what has happened to the greatest judicial system the world has ever known.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding and I commend the gentleman from New York [Mr. FISH] for helping us provide this opportunity to address this vital issue. I want to take this opportunity to address my concerns about the worsening situation in Northern Ireland, particularly as it affects the Catholic minority population in that region.

The undeclared war in Northern Ireland, no longer a war of Protestant against Catholic, but now a social and an economic war, has made life in Northern Ireland a living hell for the minority population which is constantly reminded of the fact that there are insufficient laws to protect them, no job opportunities, and no hope for the future. The Catholic population in Northern Ireland is suffering under the grueling conditions which can only lead to hopelessness and despair, and which, by any standard, are wartime conditions which cannot and must not be tolerated.

As a member of the Ad Hoc Committee on Northern Ireland, a bipartisan group within the House of Representatives which has just celebrated its 7th year of activity, I am appalled by the lack of understanding that our Congress has for the issue of human rights in Northern Ireland. It is distressing that our Nation has not rallied to the side of the suffering minority population in Northern Ireland. The chairman of our Ad Hoc Irish Affairs Committee, the gentleman from New York [Mr. BIAGGI], and my good friend and colleague from New York, Mr. FISH, have joined with me tonight to offer our views on an issue which is dear to our hearts, and which has become the source of violence, bloodshed and tragedy.

First, let me focus attention on the continuing silence that has surrounded the tragic event that took place in Northern Ireland on August 12, just a few short weeks ago. At a peaceful rally where a few hundred Irish had gathered to hear American speakers addressing some of the pressing human rights issues of the day, British Royal Ulster Constabulary [RUC] forces charged the crowd, killing one individual and injuring several Irish and Americans. The unprovoked attack, which rivals the insanity of the Bloody Sunday attack in 1972, has gone unprotested by our American State Department. No formal protest has been lodged against the British Government dispite the fact that several Americans were injured in that attack. The double standard that the State Department uses in relation to the situation in Northern Ireland is again visible here—we would not let such an attack go unnoticed if it took place at the hands of the Soviet Union, or another nation. Yet, our State Department, refuses to confront the British Government about their unnecessary and inhumane treatment of Americans and peaceful Irish citizens.

The other aspect of this tragedy which greatly concerns me is the imprudent use of plastic bullets by the British Forces, the use of which killed one young man at the rally on the afternoon of August 12. The plastic bullet, as it is euphemistically called, is a very hard large projectile which is fired at speeds exceeding 150 miles an hour. The plastic bullet is supposed to be used for the purpose of crowd control only, and according to the British, is fired at the lower extremities in an effort to disperse a large crowd.

However, as has been the case in many other instances, the RUC used the plastic bullet as a lethal weapon on August 12, instantly killing Sean Downes. The horrifying pictures of Mr. Downes, his heart ringed by the impact of the plastic bullet, remain in our minds long after the event has passed. Why did the British use the plastic bullet to kill—in cold blood—an innocent Catholic? Why does the RUC continue to use the plastic bullet even though its lethal nature has been documented time and time again? Why do the British refuse to outlaw the use of this weapon when they know the tragic results?

The issue of the plastic bullet is only one issue in a long and large picture of human rights abuses in Northern Ireland. The plastic bullet has become the symbol of these abuses, and the bullet has become the focal point for many. However, the pattern of human rights violations encompasses so much more in Northern Ireland, as thousands of Catholics are denied the basic and individual rights that Americans have come to take for granted.

Under the Prevention of Terrorism Act, and the Emergency Powers Act the British Government has succeeded in abridging the rights of the Catholics by suspending jury trials, the suspension of rights of prisoners and the imposition of harsh interrogation and incarceration techniques. Individuals can be convicted merely on the oral testimony of other witnesses, including a statement by a British RUC officer. The British have always prided themselves on their humane and progressive system of justice; and yet, in the instance of Northern Ireland, the British have been content to regress into a primitive and grossly unfair system which has had tragic results.

One of the most difficult questions that an American Member of Congress must confront in relation to the situation in Northern Ireland is "what can the United States do? Does the United States play a positive role in the resolution of these continuing problems?"

The answer is "yes." As the "honest broker" in any negotiations the United States can and should bring a workable dialog about between Great Britain and the Catholic population in the North. The United States should continue to press the British Government about their continuing abuse of human rights, and we have a moral obligation to do so immediately.

In our own Congress we should and must do the following

Pass legislation outlawing the use of the plastic bullet. House Concurrent Resolution 21 was introduced by Congressman BIAGGI during the early part of this Congress, and there are urgent reasons why this bill must be passed, before any more people are killed in Northern Ireland.

Our House Foreign Affairs should hold hearings on the subject of human rights violations in Northern Ireland as soon as possible. We are proud that our Congress has taken a courageous role in defending so many other groups denied basic human rights—why is Northern Ireland exempt from the consideration of the Foreign Affairs Committee?

We must make certain that our American firms establishing themselves in Northern Ireland are employing a number of Catholics and are not contributing to the discrimination which has come to be a way of life in Northern Ireland.

We must continue to speak out, as we are doing now, to alert other Members of Congress to the situation in the North.

I thank my colleagues who have taken the time to speak out tonight on this tragic issue, and I hope that together our Nation will work with Great Britain to put an end to the continuing loss of life, the loss of hope and the loss of spirit that has been such a tragedy for the Catholic population in Northern Ireland.

Mr. STRATTON. Mr. Speaker, I rise to join in expressing my concern and outrage at the continuance of the violence in Northern Ireland.

The most recent incident has been the death of Sean Downes who had been in attendance at an IRA rally in

Belfast, and was killed by a plastic bullet when police charged the rally crowd in an effort to arrest Martin Galvin who had been barred from Northern Ireland by the British authorities.

Mr. Speaker, I am well aware that violence has consistently marked the area of Northern Ireland as a result of the assaults of the Irish Republican Army's provisional wing against the efforts of the British authorities who have tried to protect the innocent citizens of Northern Ireland.

Obviously, as we have learned over these years, violence only provokes other violence, and in spite of the years that this violence has occurred, we have still failed to come close to a solution to this almost insoluble problem. And I do not have an answer to offer.

But this tragic occurrence, Mr. Speaker, offers us another opportunity to see if the skills of negotiation and political ingenuity could somehow bring these two sides together and make it possible for peace to be reestablished. Obviously the major responsibility is with the British Government which has authority over the Ulster area. It is clear that any sudden evacuation of British Forces might conceivably also be followed by other violence.

But surely the British authorities might try some such slow withdrawal, and to do it in consultation with the Republic of Ireland, which also has consistently deplored the violence in Northern Ireland.

And once again I would urge President Reagan to appoint some special envoy to work with the Government of the United Kingdom and the Republic of Ireland in their efforts to seek a formula for ending the violence.

In all likelihood this would take time and patience. But Americans, who are tied by blood and by interest to the people of Ireland, can not continue to sit idly by without making some concrete effort to try to restore peace to this troubled province.

I hope the death of Sean Dowals may finally light the spark which will get this reconciliation process at last set underway.

● Mr. ROE. Mr. Speaker, it was just 1 month ago today that a group of about 130 Americans became firsthand witnesses to the terrible violence which, unfortunately, has become all too commonplace in Northern Ireland. It was on this day, August 12, 1984, that a number of these Americans—innocent bystanders and observers—were injured and one young Irishman, Sean Downes, was killed when British security forces charged a peaceful rally in Belfast. I am quite certain the horror of this event will forever be etched in the consciousness of those who were involved, whether they were physically injured or not.

Mr. Speaker, this incident represented the depths of the tragic situation now existing in Northern Ireland. For those Americans who were present in Belfast 1 month ago, the events provided a stark demonstration of the tense and volatile atmosphere in which the people of Northern Ireland must live. Not only must they contend with the outbursts of violence, but, on a day-to-day basis, they must confront the underlying, continual sense of terror generated by the armed camp atmosphere in which they must live, terror that either they or their loved ones could become caught up in a moment of violence at almost any instant.

On a deeper level, this situation is tragic because, in order to bring peace to Northern Ireland, the law must be respected, and yet how can the law be respected when it has been used as a tool of oppression rather than a tool to insure civil and political liberties? This should be a point of great importance to those in this Chamber and to the American people since our system of law is so closely related to the principles of English common law. Without our system of laws and their enforcement, we simply could not exist as a nation.

And yet, in Northern Ireland, there is continued suppression of individual, legal, human, and civil rights because the powers of English common law have been abrogated through the enactment of emergency legislation by the English Parliament. In many instances the vital concept of due process has all been eliminated as 30,000 British troops stationed in Northern Ireland operate on a system of day-by-day fiat. It is the abuses of this emergency legislation which have alienated the people from the Government and the law which are supposed to protect them in the first place. It is a situation which can only spur further violence, rather than quelling it. The internment of hundreds of Irish citizens during the 1970's and the treatment of political prisoners are but a few examples of the many instances in which civil rights have been short circuited.

The events which led up to the violence of 1 month ago are a perfect example. Mr. Martin Galvin, an American, was arbitrarily denied a visa to lead the group of Americans on a tour of the conditions in Northern Ireland. I believe this was a further example of the British Government seeking to suppress an open and free dialog on the issue of Northern Ireland among concerned individuals and organizations from the United States. Had this vias been granted and this free dialog permitted, this terrible violence and death of one young man would have been avoided.

Mr. Speaker, we all want to see peace in Northern Ireland. But there cannot be peace without respect for the law. And there can be no respect for the law until the people believe it is there to protect them and not oppress them.●

● Mr. McGRATH. Mr. Speaker, a recent news item reported the naming of a replacement for James Prior, Margaret Thatcher's minister for Northern Ireland. I would hope Douglas Hurd, Mrs. Thatcher's new representative is more flexible and openminded. For if Mr. Hurd exhibits the same sort of judgment displayed by Mr. Prior, I fear we will witness the continuation of Northern Ireland's divided and bloody legacy.

On August 12, at a Belfast rally organized by the Catholic minority we again saw how the military power of a supposedly democratic government was directed at a relatively small group of unarmed civilians. In our Nation we have seen much larger demonstrations on political and social issues with no military presence at all.

In opposition to the longstanding tradition of free speech in England and the United States, the British again attempted to silence discussion of the issues. They refused to allow Martin Galvin, an American visitor and human rights activist to enter Northern Ireland. When Galvin suddenly appeared on a platform at the rally, British soldiers began firing plastic bullets into a crowd of some 3,000 while bowling over others with vehicles and clubs. The life of one young man was snuffed out as a result of this violence. Scores of others required hospitalization. The brutal and irrational actions of the British security forces demonstrated anew the deep rooted hatred that exists between the Catholic minority and the Protestant majority in Northern Ireland.

For the sake of all the innocent lives which have been lost and the futures of all those on both sides of this emotionally charged issue, I wish Mr. Hurd sincere good luck in working toward a peaceful resolution to the conflict in Ireland's six northern counties. I hope he will learn from the unfortunate errors of his predecessor, and take immediate action to prevent confrontations between unarmed civilians and the British military. The best solution would be an end to the brutal military rule that has been imposed by the British.●

● Mr. LENT. Mr. Speaker, I rise to commend my three distinguished colleagues from New York, Mr. FISH, Mr. BIAGGI, and Mr. GILMAN, for calling this special order on conditions in Northern Ireland. While we were in our home districts last month, the world witnessed another tragic event in Belfast. On August 12, during a peaceful rally attended by some 130 visiting Americans, British troops and members of the Royal Ulster Constabulary attacked the crowd. A young

man was killed by a plastic bullet and numerous people, including some Americans, were injured. The armed forces were not provoked. The crowd had gathered to peacefully hear the views of invited speakers exercising their right of free speech.

We all witnessed this sad event on television. It is the latest example of the harsh nature of British rule in Northern Ireland. It is an example of the complete breakdown of the legal structure in that beleaguered part of Ireland.

I have been concerned about this breakdown for some time. A number of my Long Island constituents had told about the abuses of civil rights in Northern Ireland. So earlier this year, I asked a member of my staff, Mr. Eugene Turner, to visit Northern Ireland and report back to me on conditions there. I shared a copy of Mr. Turner's report with my colleagues in the CONGRESSIONAL RECORD for February 29, 1984. You can refer to that for the full account, but today I would like to briefly summarize Mr. Turner's findings.

He concluded that the British authorities have completely abandoned their centuries-old tradition of justice—a tradition I might add, that gave birth to our legal system in America. It is a system based on democratic principles, on the principle of innocent until proven guilty. Sadly, Mr. Speaker, this has been replaced by an assumption of guilt stemming from mere suspicion.

For example, internment is widely used by the authorities. Suspects are arrested, usually in the middle of the night, and detained and interrogated for days on end without having formal charges brought against them. Often, they are briefly released and then picked up and detained again for an additional period of several days. Suspects are also charged and held for long periods of time on the basis of flimsy evidence that would never stand up in court. Bail is not a right as it is in the United States. It is a privilege extended to very few.

In addition, the authorities make unscrupulous use of informers or supergrasses as they are known in Britain. Supergrass testimony is frequently uncorroborated and given as the result of an inducement, be it immunity from prosecution, lighter sentences and even payments. In one obvious miscarrige of justice, three defendants were held for 2½ years on the basis of testimony by five successive informers. Each either recanted or had his statement destroyed under cross-examination by defense attorneys. Once the judge dismissed the case. But each time the defendants were charged again and their incarceration continued, on the basis of supergrass testimony.

Finally, Mr. Speaker, and worst of all, these trials are conducted without juries.

Mr. Speaker, when Mr. Turner gave me his report I called on our Secretary of State to intervene in the name of justice and civil rights. I also called on Prime Minister Thatcher to restore the age-old principles of British justice to Northern Ireland. As I join with my colleagues here today, I renew that call and plead for an end to the injustice and tragedy that marks day-to-day life for the people in Northern Ireland.●

● Mr. MRAZEK. Mr. Speaker, recent events in Northern Ireland have only highlighted a point that many of us in Congress have been making for sometime: The problems in Northern Ireland cannot be wished away, and we in the United States share a responsibility for helping to resolve them.

Mr. Speaker, I suppose that I could use the time requested today to discuss the British suppression of basic legal rights in Northern Ireland—a suppression that undermines every basic tenet of our mutual Anglo-Saxon legal heritage.

I do not intend to do this.

I could use this time to discuss the use of rubber and plastic bullets in Northern Ireland—a practice that has led to deaths and countless serious injuries.

I do not intend to do this.

I choose to speak today about the refusal of our Government to play any role in bringing peace and reconciliation to both halves of the partitioned Ireland.

We in the United States saw film on our evening news recently of the brutal use of force by police in Northern Ireland. What we have not heard or seen is the outcry in the British press and by British Members of Parliament calling for the British Government to cease stonewalling and take action to bring about a settlement of the complaints of the parties in Northern Ireland.

The divisions in Northern Ireland have led to the denial of human rights, the destruction of Northern Ireland's economy, and a generation raised knowing only despair, hatred, and violence.

While this has occurred, the Reagan administration has chosen to intercede in Lebanon, Nicaragua, El Salvador, and Grenada. We have spent millions of dollars, and lost countless lives. Yet, our Government has refused to play even a constructive intermediary role in Northern Ireland. We are told that we cannot get involved because the issues are too complex and irreconcilable.

More complex than in Lebanon or El Salvador? I do not hold these ventures up as a policy we should follow in Northern Ireland, but merely as examples of the willingness of our Government to act to stem the denial of human rights. Perhaps, the current administration will only recognize a problem exists if evidence of communist troops is found in Belfast.

Let me make it clear that I am not advocating American troops be sent to Northern Ireland. However, we have a unique opportunity to help make the peaceful process of reconciliation work.

My constituents and tens of thousands of others, as represented by the Members on the floor today, are demanding action. They are tired of having their concerns relegated to the backbin of America's foreign policy.

I believe that the time is here that our Government recognize that a problem exists and take action before more lives are lost.●

● Mr. BIAGGI. Mr. Speaker, as chairman of the bipartisan 104-member Ad Hoc Congressional Committee for Irish Affairs, I am pleased to join with the most distinguished gentleman from New York [Mr. FISH] in this special order to discuss the judicial system—or perhaps more appropriately—the lack thereof in Northern Ireland. I also commend the leadership of the Irish National Caucus—Father Sean McManus and Rita Mullen for their assistance in the preparation of this special order.

It is appropriate that my colleague Mr. FISH request this special order for his credentials in terms of advocacy for cause of peace and justice in Northern Ireland are most impressive—but also because he serves with great distinction as the ranking minority member on the House Judiciary Committee.

I contend as I have for the 15 years that I have been involved in the issue of Northern Ireland that the term justice under the present British system of direct rule is a gross misnomer. In fact the absence of real justice for all in Northern Ireland provides a basic catalyst for the prolongation of the tragedy which befalls this nation.

Whether it be the existence of the diplock courts—or the general Special Powers Act or the use of the supergrass informant process—what you find in Northern Ireland are a series of travesties of justice. Where else beyond nations which formally declare martial law do you have arrest and detention without charge for 7 days—but in Northern Ireland? Where else beyond a nation that has formally declared martial law—do you have conviction rates in courts in excess of 90 percent—but in Northern Ireland. Where else but in nations that formally declare martial law is the testimony of known terrorist informants used in an uncorroborated fashion in trials but in Northern Ireland.

The list goes on and on. We have very recent proof of another form of

abuse in Northern Ireland—this time it took place in the streets of Belfast just this past August 12. Here a large group of British security forces charged a largely peaceful crowd who were assembled to hear a speech by Martin Galvin of Irish Northern Aid. Galvin who had been banned from Northern Ireland by the British—was able to enter the nation illegally—wisely announced his plans to appear at this rally and then was planning on getting arrested without offering resistance. He did just that but instead of being allowed to get arrested—the security forces mostly the RUC charged the crowd, fired more than 30 rounds of plastic bullets into it and when it was all over one 22-year-old bricklayer lay dead and scores of people injured including some Americans.

This is not the first death caused by plastic bullets—it is in fact the ninth since 1981—with more than half being children under the age of 15. Yet do we see prosecutions of those police officials responsible? No we don't.

We are here in a sense to indict the system of justice as it exists in Northern Ireland. It is symptomatic of an overall policy which is morally bankrupt. We must use this occasion and future occasions to focus attention on the problem and work for its eradication.

The British deserve to be held accountable for their violations of human and civil rights against people in Northern Ireland and there must be more than a few Members of Congress concerned if the United States is to do anything to help promote a political solution in Northern Ireland, one that promotes peace, justice, and freedom for all.●

GENERAL LEAVE

Mr. FISH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of my special order tonight.

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

There was no objection.

SPECIAL INTERESTS VERSUS THE PUBLIC INTEREST IN LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WALKER] is recognized for 60 minutes.

Mr. WALKER. Mr. Speaker, I thought this evening I would discuss a little bit a problem that I find being talked about quite often when I go to my town meetings, when I speak before groups in my district who have a concern about the way the country is being governed. It is the problem of special interests and their impact on legislation versus the public interest and the impact that the public has on the general run of the legislation around here.

It is a very key question, it seems to me, a key question in modern times, because it is really the question of who speaks for America and Americans. Let us define the terms here, at least from my point of view, and try to see how we divide this so that I can make it a little clearer what I am discussing later on.

It seems to me that when we act in the public interest legislatively that we act for the general welfare of everyone. That would be the definition here, that it is legislation we are passing that is in the general welfare of all Americans when we are acting in the public interest.

When you are dealing with a special interest it is when we act to give an advantage to or address a particular concern of a very narrow portion of the Nation at large.

Granted, that is a tough determination at times. What appears to be a public interest issue can in fact have special interest ramifications down the pike.

For example, we can pass environmental laws in this body which are very, very much in the public interest, but indeed you raise the costs of the products produced in this country relative to the costs of imported products being brought in where they do not have to meet stringent environmental standards.

□ 1710

So therefore what we end up doing is giving an advantage to a narrow special interest; namely, the importers; namely, those factories overseas that are producing products here and therefore you advantage a narrow segment of our country that happens to rely on those imports. In other words we have acted in the public interest but there is a special interest ramification.

You can also have the corollary truth, you can have some special interest concerns that have public interest ramifications. For example you might enact laws, financially related laws in this body where it allows one income group within the country to save and invest more, but where those savings and investments in fact provide additional job opportunities for people because it results in more businesses being formed which expand the scope of the jobs available to all Americans.

Therefore, what you have done is you have acted in a special interest, you have in fact provided help to a fairly narrow group but it has broadly based public interest ramifications as well.

The problem in all of this arises by the way we now see special interest concerns being addressed by this body.

Too often what we are doing in Congress these days is addressing only special interest concerns, that the kinds of legislative packages put together basically involve almost a signoff procedure by all the special interests concerned before we even take the legislation up.

It is by no coincidence that on major bills that come up before this body we have people standing in the halls outside the doors here when we walk in who are giving thumbs-up or thumbs-down signals with regard to the bills.

Now those are not representatives of the public at large; those are representatives of special interest groups who are ensconced in this town and who are watching this legislation very carefully for their own particular interests.

Now the question is whether or not Congress has not become a captive of exactly that kind of philosophy rather then adhering to those things which are generally accepted as being public interest issues, whether or not there is a tendency to regard constituencies in this country, from which we all serve, as a group of special interest concerns where you can appeal to narrowly rather than regarding the good of the district as a whole or the good of this country as a whole.

I become increasingly concerned about that and it is a concern that arises then in the campaign years when we get down to financing election campaigns because it seems to me that you have a philosophy that has built up there too, that in terms of financing political campaigns there are people now who say, "We will give you money providing you give us a guarantee you will vote a certain way on an issue when it arises," a narrow interest of special concern.

That to me creates a problem because then you have candidates coming to office, people elected to serve in this body who in fact have a whole agenda of items that are narrow special interests without regarding the public interest as a whole.

Is that to say that all of the PAC contributions and all of this are wrong? No.

I happen to think that PAC's are one of those things which can contribute to the political process. They allow more people to become involved; the contributions that go into PAC's can be voluntary; they can provide an opportunity for people to participate in the process that might not otherwise do it.

That can be a good.

However it seems to me that what PAC's should be doing is evaluating people on their general philosophy that they have either brought to this

body and voted in this body or which they say they will bring to the body; not a collection of narrow concerns, not a one-issue or a two-issue kind of thing, but a general philosophy.

So that the PAC's ought to be evaluating candidates not based upon some individual bill or some individual narrow concern that they have but rather what is the general philosophy that that person has brought to the Congress? Or what does he or she promise to bring to this body?

Now if we would do that, if we would do that and PAC money was not tied to a particular special interest, then it seems to me it can be valuable.

But it is a concern of mine when you see that that is not happening very often; in some cases it is, but it is not happening across the board.

Therefore we see people bound by the very special interests who have helped finance their presence here or their reelection here.

When we get, then, to questions where we have to arrive at the compromises necessary to speak to the public interest, those compromises become very difficult.

The fact is that the special interests are then gathered at the doors of the committees, they are in the room in the conference committees and they make some of the decisions. Special interests literally sit in the rooms, at times, giving thumbs-up or thumbs-down signals about amendments that are offered in the course of deliberations.

They consult with people whom they consider friendly and make a decision as to whether or not compromise is possible.

In my mind that is what we are elected to do. In my mind as legislators we are elected to exercise our judgment in those kinds of cases.

I happen to be one who subscribes to the agent theory of representation, who believes that one of the things I am really sent here to do the bulk of the time is to represent what the majority concerns in my district are.

But that does not mean, that does not mean that we ought to be only representing those things in a narrow sense; it means that we use our own abilities to arrive at compromises, to use our judgment within the context of those issues.

And I think that we are losing some of that when special interest power makes its presence felt in all too many of our deliberations.

We also see it as we begin to define, then, national policies as they relate to the Presidential campaign. You have Presidential candidates who are out on the trail who feel obliged, then, to key into the special interest concerns that are represented by what goes on in the Congress. That also bothers me.

Just yesterday for example when the evaluation began of the Mondale tax plan we found in the course of that tax plan that when he talks about cutting spending, it was obvious that there were certain special interests that had already made their presence felt. For example, instead of cutting spending in order to reduce the deficit, there were areas where he actually raised spending, calling for whole new programs and so on. Referring back to promises he had made in the primary campaign, the education bill that we will have on the floor here tomorrow is an example of one narrow special interest that wants that bill brought to the floor. Everybody knows it has no chance of passage whatsoever, it is not going to get out of the Senate. It is being brought here as an advantage to that one special interest. The Presidential candidate yesterday stood up and told us that that is a place where he is willing to spend extra billions of dollars, despite the fact that he is trying to reduce the deficit. That is an appeal to one narrow special interest. It is bothersome.

It is also obvious in that plan that some things that could be done without wreaking hardship on the American people were not included in the plan. For example, when the Grace Commission made their report, one of the things that they said could save $2 billion a year is if Government would simply, in its construction projects, get away from the Davis-Bacon provisions. In other words, those that allow super-high wage rates for people who work in Federal construction.

That is a way to save $2 billion. You still build exactly the same project, you still have exactly the same outcome in terms of the taxpayer, but you simply do it at less cost.

Why can we not go for that? Well, because big labor goes crazy whenever you begin mentioning doing something about Davis-Bacon.

I know, I have brought bills to the floor and had them defeated on the floor. They are not defeated on the merits of the case. The merits of the case are well established by the General Accounting Office, now by the Grace Commission and by virtually everybody else who has looked at it.

It is only one special interest making its presence felt on this floor that saves Davis-Bacon and thereby costs the taxpayers an additional $2 billion a year.

□ 1720

That is wrong. What we should not be doing around here. It is the problem, it seems to me, that our constituents want to address.

I think that people are getting upset about it. I find that many of the constituents who I talk to identify the idea that there are special interest powers that are undercutting the public interest and they are making the process of something less than it should be.

How do we go about correcting it? How do we go about changing the system?

Well, to some extent it is going to involve some courage on the part of Members of Congress. We are going to have to begin to say no to special interest along the way and we are going to have to begin to say to people who send us questionnaires before they say that they will send us money:

> No, I am not going to fill out your questionnaire even if that means that you don't send me the money, if what you are asking me to do is to bind myself in a way that might jeopardize my ability to act in the best interests of the country later on.

I think we are going to have to be able to say no to them face to face from time to time. In the interview say:

> I want you to endorse me based upon the general philosophy that I bring to Government, but I don't expect you to be asking me to bind myself in particular kinds of ways.

It takes that.

It also, it seems to me, takes some kind of idea of what the limits of spending are in these areas. I happen to disagree with the public financing way of getting to this problem. I think public financing would end up being a bureaucratic disaster and would, in fact, make many campaigns more expensive, not less expensive.

In my congressional district we spend relatively little money compared to districts around the country for congressional races. Both parties together, in this particular campaign, probably will spend less than $50,000 in running for Congress in my district.

You go to public financing under some of the recent bills that have been up here, you would end up spending $240,000, not of money that you go out and raise yourself, but of largely taxpayer money in that district.

Why is that? Well, obviously the minority party, whoever that may be, the people who have the most trouble raising the money, are going to take the full $120,000 they are guaranteed in public funds. That will force the incumbent to take the same kind of money. It will all get spent. You will raise the cost of a campaign there, not lower it. I think that is a problem. Plus the fact that just Presidential public financing has become a bureaucratic maze. Add 435 House seats and 33 or 34 Senate seats up at any given year to the public financing maze and you will have an absolute nightmare of regulation.

I do not think that that will serve the political system very well. But I do believe that we have got to try to find constitutional ways of keeping down the amounts of money that any one

candidate can accept from any one source. We have some caps on that at the present time. Some of those might preferably be lowered. I find again in a fairly low-cost race that I can put a cap of $500 on the amount that I will take from any PAC or any individual and put on a campaign. I will give you the fact that in my district it is a somewhat different situation than you have in many urban districts and in many mass media markets.

But, once again, it is a question of the style of campaigning that you do, too. It seems to me that if we had more people-to-people kinds of campaigns rather than media oriented campaigns, you could bring down the cost.

Somehow we have got to address those amounts of money so that no one can feel as though when they walk in with their checkbook to a political campaign that they are somehow buying influence. I think that the situation is such today that there are people who, perhaps wrongly in terms of that candidate, but nevertheless, do feel as though they are buying access. I think that ends up being a problem. I think that that ends up being improper.

So, I would hope that one of the things that we could end up saying is that we want a broad base of contributions into the political system. We want them to come from individuals, we want them to come from PAC's, but we want them limited in such a way that people do not think that there is an ability to buy off Congress in the name of special interest power.

I think that if Congress were to become more attuned to the public interest that we would certainly find at that point that the public would become more willing to accept the decisions that we make. I think that the great tragedy in all of this is the fact that Congress as an institution keeps going down, down, down, in terms of public opinion polls because people think that we are the captives of narrow groups. They have reason to believe that given the performance. But if they really believe that we were here serving in the public interest that they would have a better opinion of the decisions we make, even when those decisions are tough decisions. Even when what we have done is ask them to make sacrifices, they would at least know that it was done with the general scope of the Nation in mind and not with some particular group in mind. That would be a major change. It seems to me a change that would benefit us all.

So, as we look at the key question about who speaks for America and who speaks for Americans, I am afraid that very often we find that in today's legislative dealings that special interests are the ones who are doing the speaking.

I think it is high time that Americans begin to speak for themselves, not through their special interests, but through their Representatives. We need more individual contact with people with their Representatives, not acting through a special interest, but more direct contact so that indeed we arrive at the day when special interest power is something which is on the decline not on the increase.

I happen to believe that one of the ways that you can get there, too, is by opening the processes of this body.

One of the reasons why we have had a growth in special interest power is the way we proceed around here. In recent years you have had a proliferation of committees in the House of Representatives and particularly a proliferation of subcommittees in the House of Representatives. That gives very small numbers of people who can be dealth with on particular issues.

What we have then is the special interests who tie themselves directly to the committees and to the subcommittees and thereby get a lot of their work done essentially behind closed doors with small groups of people, which then we bring to the floor and we have a pattern developing around the floor that says, well, whatever the committee brings out here you ought to accept.

□ 1730

We found, for instance, in the bill that we are going to be taking up tomorrow, this National Defense Education Act, which, as I say, is a narrow, special-interest concern, that you are going to have that out here under a new type of closed rule where, if a Member has an amendment that he comes up with tomorrow, they are not going to be able to offer that amendment tomorrow if they do not have it printed by 9 o'clock tonight in the RECORD. So that what we are doing is saying, well, the committee has already done all of the deliberations here. If somebody comes to the floor and does not like what they are hearing, they are not going to be able to amend the bill.

That, you see, puts more power in the hands of the committee, that puts more power in the hands of the subcommittee, that ultimately gives more power to special interests.

I would prefer to see us move toward that which the Forefathers originally conceived the House as being, being a broadly based body, being one where the basic decisions of Government are made here on the floor where, when we make decisions, they are decisions made by all 435 rather than by small groups.

The committees and subcommittees of the Congress should serve the ends of the body as a whole. They should not be the driving force of the body as a whole. Special interests work best in small, narrow settings. They do not work well when you can bring everyone together and where you can have a coming together of ideas by all 435.

Therefore, the more we open up the process, the more we bring it out into the sunshine. With the advent of television and a number of other things you can have a sunshine process. We have put more people into the gallery of the House of Representatives than ever before. There is a chance for much of America to see what goes on here through television.

All right. Once you have done that, that helps break the back of special interests because they then have to have an appeal which makes sense to the country. You can no longer then make the decision in a small-group setting. So that the more we open up the process, the more we have rules that do not tie down bills but keep them open, the more special interests will find that their power has been broken.

One of the main places where special-interest power interacts, for instance, is on tax bills, is interesting for the public to see, when we have tax bills, all of the special interests that camp over around the Ways and Means Committee for days at a time while the Ways and Means Committee deliberates on those issues. And people win and lose, depending on whether or not their section goes into the bill or comes out of the bill as the Ways and Means Committee proceeds. Under the system that we have here, that is how they have to operate.

One reason why that becomes so important is because when that bill comes to the House floor, it comes here under a closed rule. Tax bills do not come here under open rules where all Members can have a chance to interact. People will say, well, you cannot possibly bring a tax bill out here under an open rule, it would be a madhouse, with everybody with their own provisions.

Well, I think that can almost become a self-policing system, though, if the public is observing. The public is not going to permit the kinds of madhouse that some people predict, in my opinion.

So, therefore, I think that the situation is such that we have assured on that basic question that one small group of people will have inordinate power, and special interests have reacted to that, special interests have shown that they are able to impact on the process that way.

We need more openness, we need more directness, we need the American people to be able to understand just exactly which way their Representative votes.

That is the other important point in all of this. If you bring issues to the floor and if you force Members of Congress to actually vote on those

issues, rather than hiding behind what the committee has done or what decision has been made not to even bring the bill to the floor, but actually get the things out here on the floor where people can vote, people then can make a more intelligent decision about their Members of Congress. Many people will walk into the polls this November and will not be able to even guess what the Representative did on issues of concern to them because their is no voting record to tell them. This is again because of the process that we use around here. It would be far better for the people to have the opportunities and know precisely how their Representatives worked on their behalf or did not work on their behalf and make their judgment based on that, rather than be told by some special-interest newsletter how that Representative voted on a couple of key issues. That, to me, really destroys the process, too, when groups go out, pick one or two issues, three or four issues, and so on, and say this person is for us or against us based upon this narrow number of votes. Let the public see all of the votes; let the public know precisely how the Representatives voted and then make their determinations, once again, based on general philosophy.

We really need to get back to the public interacting with this body, with a public-interest concern by this body rather than a special-interest concern. Special interests have become far too powerful for the national good, and it is high time that we take it upon ourselves to change the system.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members at the request of Mr. McCANDLESS) to revise and extend their remarks and include extraneous material:)

Mr. WALKER, for 60 minutes, today.

Mr. SILJANDER, for 60 minutes, today.

Mr. SILJANDER, for 60 minutes, on September 13.

Mr. SILJANDER, for 60 minutes, on September 14.

Mr. ROTH, for 30 minutes, today.

Mr. NIELSON of Utah, for 30 minutes, on September 19.

Mr. GINGRICH, for 60 minutes, today.

(The following Members (at the request of Mrs. HALL of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. FASCELL, for 5 minutes, today.

Mr. WILLIAMS of Montana, for 5 minutes, today.

Mr. TORRES, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. ROE, for 60 minutes, today.

Mr. GONZALES, for 60 minutes, today.

Mr. LEVIN of Michigan, for 5 minutes, on September 13.

Mr. McCURDY, for 60 minutes, on September 18.

Mr. McCURDY, for 60 minutes, on September 19.

Mr. MOODY, for 30 minutes, on September 18.

Mr. MOODY, for 30 minutes, on September 19.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. PARRIS, immediately prior to vote on H.R. 5798.

Mr. CONTE, immediately following MILLER of Ohio prior to vote on H.R. 5798.

Mr. GILMAN, on the special order of Mr. FISH.

Mr. STRATTON, following the remarks of Mr. GILMAN on the special order of Mr. FISH.

(The following Members (at the request of Mr. McCANDLESS) and to include extraneous matter:)

Mr. RUDD in three instances.

Mr. DAVIS.

Mr. BROOMFIELD.

Mr. CONTE.

Mr. LAGOMARSINO in four instances.

Mr. YOUNG of Florida in three instances.

Mr. LEWIS of Florida.

Mr. DREIER of California.

Mr. SMITH of New Jersey.

Mr. LUNGREN.

Mr. SAWYER.

Mr. SNOWE.

(The following Members (at the request of Mrs. HALL of Indiana) and to include extraneous matter:)

Mr. LEVINE of California.

Mrs. BURTON of California.

Mr. EDGAR.

Mr. RICHARDSON.

Mr. MACKAY.

Mr. ROWLAND.

Mr. LUKEN in two instances.

Mr. LEVIN of Michigan.

Mr. COYNE.

Mr. KOLTER.

Mr. ERDREICH.

Mr. FEIGHAN.

Mr. HAMILTON.

Mr. STARK.

Mr. HARRISON.

Mr. SKELTON.

Mr. BORSKI.

Mr. KLECZKA.

Mr. JACOBS.

Mr. DOWNEY of New York.

Mr. EVANS of Illinois.

ADJOURNMENT

Mr. STRATTON. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 36 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, September 13, 1984, at 11 o'clock a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports of various House committees and an amended report of a delegation traveling under an authorization from the Speaker concerning the foreign currencies and U.S. dollars utilized by them during the second quarter of calendar year 1984 in connection with foreign travel pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Tom Bevill	6/2	6/6	France		492.00		2,849.33				3,341.33
Hon. Mickey Edwards	3/30	4/1	El Salvador		150.00						150.00
	4/1	4/2	Honduras		96.00						96.00
	4/2	4/3	United States		75.00		[3] 1,050.00				1,125.00
Hon. Mickey Edwards	5/31	6/3	Hong Kong		294.00						294.00
	6/3	6/5	Japan		242.00						242.00
Hon. Clarence Long	3/30	4/1	El Salvador		150.00						150.00
	4/1	4/2	Honduras		96.00						96.00
	4/2	4/3	United States		75.00		[3] 1,050.00				1,125.00
Hon. John Myers	6/2	6/6	France		492.00		2,849.33				3,341.33
Hon. Hal Rogers	6/2	6/6	France		492.00		$2,849.33				3,341.33
Hon. Louis Stokes	4/23	4/27	Netherlands		460.00		3,404.76				3,864.76
Jim R. Fairchild	3/30	4/1	El Salvador		150.00						150.00
	4/1	4/2	Honduras		96.00						96.00
	4/2	4/3	United States		75.00		[3] 1,050.00				1,125.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1984—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Edwin F. Powers	3/30	4/1	El Salvador		150.00						150.00
	4/1	4/2	Honduras		96.00						96.00
	4/2	4/3	United States		75.00		[3] 1,050.00				1,125.00
Edwin F. Powers	5/27	5/29	Costa Rica		150.00		1,023.40				1,173.40
Committee total					3,906.00		17,176.15				21,082.15
Surveys and Investigations staff:											
George C. Baird	4/12	4/18	Japan		563.75						563.75
	4/18	4/20	Philippines		150.00		2,137.23		45.32		2,332.55
Jimmie E. Buckles	4/11	4/15	Korea		436.50						436.50
	4/15	4/17	Philippines		131.25						131.25
	4/17	4/20	Japan		371.50		2,045.51		57.40		2,474.41
Philip B. Culkin	4/11	4/18	Korea		654.75		2,194.70		30.98		2,880.43
Mark S. Love	4/11	4/18	Korea		654.75		2,194.70		49.26		2,898.71
Arthur E. Sullivan, Jr	4/12	4/18	Japan		563.75						563.75
	4/18	4/20	Philippines		150.00		2,137.23		35.40		2,322.63
Carlton A. Weiss	4/11	4/15	Korea		436.50						436.50
	4/15	4/17	Philippines		131.25						131.25
	4/17	4/20	Japan		371.50		2,045.51		44.70		2,461.71
Staff total					4,615.50		12,754.88		263.06		17,633.44

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Transportation provided by military aircraft. Cost shown is comparable first-class commercial rate.

JAMIE WHITTEN, Chairman, Aug. 23, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND LABOR, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 2 AND JUNE 29, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Rep. Ike Andrews	6/2	6/6	France	4,182	492.00		2,849.93		([3])	4,182	3,341.93
Rep. John N. Erlenborn	6/24	6/27	Switzerland		328.00		[4] 884.00				1,212.00
							[5] 124.00				124.00
Ms. Edith C. Baum	6/20	6/29	Switzerland		820.00		[4] 1,592.00				2,412.00
Committee total					1,640.00		5,449.93				7,089.93

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] State Department charges are not available at this time. An addendum report will be filed.
[4] Airfare.
[5] Car rental.

CARL D. PERKINS, Chairman, July 26, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Leach, David	6/17	6/21	Japan		605.00		2,027.00				2,632.00
Nulty, Timothy	4/17	4/12	England		459.00		2,083.00		396.45		2,938.45
Barrett, Michael	4/25	4/29	Greece		300.00		4,301.00				4,601.00
Stockton, Peter	4/25	4/29	Greece		300.00		4,301.00				4,601.00
Committee total					1,664.00		12,712.00		396.45		14,772.45

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN DINGELL, Chairman, July 31, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT OPERATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Doug Barnard, Jr.	5/25	5/29	Curacao, Netherlands Antilles	939.75	[3] 525.00					939.75	525.00
Hon. William Clinger, Jr.	5/25	5/29	Curacao, Netherlands Antilles	939.75	[3] 525.00					939.75	525.00
Hon. John Conyers, Jr.	5/25	5/29	Curacao, Netherlands Antilles	939.75	[3] 525.00					939.75	525.00
Peter S. Barash	5/25	5/29	Curacao, Netherlands Antilles	939.75	[3] 525.00		[4] 21,203.00				21,728.00
Theodore J. Jacobs	5/25	5/29	Curacao, Netherlands Antilles	939.75	[3] 525.00					939.75	525.00
Committee total					[3] 2,625.00		21,203.00				23,828.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] 1 day's per diem return to Treasury.
[4] Transportation provided by U.S. military aircraft. Total for entire delegation.

JACK BROOKS, Chairman, July 31, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON MERCHANT MARINE AND FISHERIES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Bowen, Brooks	5/18	5/26	England	567.13	792.00		$2,143.00				
						53.25	[3] 74.35				$3,009.35
Cassani, Rudolph V.	5/16	5/25	England	713.77	990.00		632.00				1,709.65
						63.20	[3] 87.65				3,799.00
Dentler, John	6/23	7/8	Italy	2,372,220	1,380.00		2,419.00				([2])
Welch, Edmund B.	4/26	5/2	England								
Westcott, Jacquelyn	6/16	6/23	Argentina	40,620	600.00		2,501.00				
						5,416	[3] 80.00				3,181.00
Committee total					3,762.00		7,937.00				11,699.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Local transportation.
[4] All expenses paid by Ditchley Foundation. Invited as guest speaker.

WALTER B. JONES, Chairman, July 31, 1984.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE SOVIET UNION, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 14 AND APR. 22, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Pat Schroeder [3]											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] During April, I traveled to West Germany and the Soviet Union along with the Honorable Mary Rose Oakar and Ms. Mildred Vinicor. It has come to my attention that the report on this trip was filed in error. The trip was authorized by the Committee on Armed Services, of which I am a member, not by the Speaker. Travel for the Honorable Mary Rose Oakar and Ms. Mildred Vinicor was authorized by the Committee on Post Office and Civil Service.

PAT SCHROEDER, Aug. 2, 1984.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4010. A communication from the President of the United States, transmitting proposed amendments to the request for appropriations for fiscal year 1985, pursuant to 31 U.S.C. 1107 (H. Doc. No. 98-259); to the Committee on Appropriations and ordered to be printed.

4011. A communication from the President of the United States, transmitting his views on the DOD report on the tactical nuclear posture of the North Atlantic Treaty Organization (NATO), pursuant to Public Law 98-94, section 1105(b) (H. Doc. No. 98-260); to the Committee on Armed Services and ordered to be printed.

4012. A communication from the President of the United States, transmitting his views and recommendations on improving NATO conventional defense capabilities, pursuant to Public Law 98-94, section 1104(b) (H. Doc. No. 98-261); to the Committee on Armed Services and ordered to be printed.

4013. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of a proposed license for the export and production of significant combat equipment in the Republic of Korea (Transmittal No. MC-33-84), pursuant to AECA, section 36(c) and 36(d); to the Committee on Foreign Affairs.

4014. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of a proposed transfer of major defense equipment potentially valued at $14,000,000 or more (Transmittal No. MC-32-84), pursuant to 22 U.S.C. 2753(d)(3) (AECA section 3(d)(3), 94 Stat. 3131; 95 Stat. 1519); to the Committee on Foreign Affairs.

4015. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a copy of the original report of political contributions for J. Stapleton Roy, Ambassador-designate to the Republic of Singapore, pursuant to Public Law 96-465, section 304(b)(2); to the Committee on Foreign Affairs.

4016. A letter from the Assistant Secretary of the Interior for Water and Science, transmitting a report/final environmental statement on the Anderson Ranch powerplant third unit, Boise project, Idaho, pursuant to Public Law 91-190, section 102(2)(C); to the Committee on Interior and Insular Affairs.

4017. A letter from the Assistant Secretary of the Interior for Water and Science, transmitting the report/final environmental statement on the Minidoka powerplant rehabilitation and enlargement, Minidoka project, Idaho-Wyoming, pursuant to Public Law 91-190, section 102(2)(C); to the Committee on Interior and Insular Affairs.

4018. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend the patent laws implementing the Patent Cooperation Treaty; to the Committee on the Judiciary.

4019. A letter from the Chairman of the Board, U.S. Synthetic Fuels Corporation; transmitting the quarterly financial report for the quarter ended June 30, 1984, pursuant to Public Law 96-294, section 177(c); jointly, to the Committees on Banking, Finance and Urban Affairs and Energy and Commerce.

4020. A letter from the Executive Director, Pension Benefit Guaranty Corporation; transmitting the final bound version of the ninth annual report of the Pension Benefit Guaranty Corporation, pursuant to Public Law 93-406, section 4008; jointly, to the Committees on Education and Labor and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BONIOR: Committee on Rules. House Resolution 578. Resolution providing for the consideration of H.R. 5609, a bill to authorize a national program of improving the quality of education. (Rept. No. 98-1009). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 579. Resolution providing for the consideration of H.R. 3082 a bill to promote the conservation of migratory waterfowl and to offset or prevent the serious loss of wetlands by the acquisition of wetlands and other essential habitat, and for other purposes. (Rep. No. 98-1010). Referred to the House Calendar.

Mr. GAYDOS: Committee on House Administration. House Resolution 564. Resolution authorizing the printing as a House document of the committee print entitled "Quackery, A $10 Billion Scandal". (Rept. No. 98-1011). Referred to the House Calendar.

Mr. HOWARD: Committee on Public Works and Transportation. H.R. 5402. A bill

to designate the U.S. Federal Building in Utica, NY, as the "Alexander Pirnie Federal Building"; with amendments (Rept. No. 98-1012). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FAUNTROY:

H.R. 6223. A bill to amend the act providing for the incorporation of certain persons as Group Hospitalization, Inc.; to the Committee on the District of Columbia.

By Mr. DELLUMS (for himself, Mr. FAUNTROY, and Mr. MCKINNEY):

H.R. 6224. A bill to provide for the assumption of selected functions, programs, and resources of St. Elizabeths Hospital by the District of Columbia, to provide for the establishment of a comprehensive mental health care system in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. BROOKS (for himself and Mr. HORTON):

H.R. 6225. A bill to prevent disruption of the structure and functioning of the Government by ratifying all reorganization plans as a matter of law; to the Committee on Government Operations.

By Mr. DAVIS (for himself, Mr. HERTEL of Michigan, Mr. YOUNG of Alaska, and Mr. BIAGGI):

H.R. 6226. A bill to clarify logbook requirements in title 46, United States Code; to the Committee on Merchant Marine and Fisheries.

By Mr. ERDREICH:

H.R. 6227. A bill to expand the rights of civil servants who report waste, fraud, and mismanagement; to the Committee on Post Office and Civil Service.

By Mr. FRANK:

H.R. 6228. A bill to amend title 35 of the United States Code to provide a patent extension for certain drug products; to the Committee on the Judiciary.

By Mr. LEVITAS (for himself and Mr. MOLINARI):

H.R. 6229. A bill to amend the Federal Aviation Act of 1958 to authorize the Administrator of the Federal Aviation Administration to prescribe schedules for operations of air carriers and foreign air carriers at an airport whenever necessary to ensure that the capacity of the airport to handle such operations is not exceeded; to the Committee on Public Works and Transportation.

By Mr. OXLEY (for himself, Mr. NIELSON of Utah, Mr. DEWINE, Mr. GUNDERSON, Mr. MONTGOMERY, Mr. KINDNESS, Mr. MCGRATH, Mr. GOODLING, Mr. MOORE, Mr. DAUB, Mr. MCKERNAN, Mr. TAUZIN, Mr. SLATTERY, Mr. BROYHILL, Mr. LENT, Mr. RITTER, Mr. BLILEY, Mr. COATS, Mr. MOORHEAD, and Mr. CORCORAN):

H.R. 6230. A bill to amend the Communications Act of 1934 to extend certain authorizations contained in such act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. STARK:

H.R. 6231. A bill to amend the Tax Reform Act of 1984 to provide a transitional rule for the treatment of certain air travel benefits provided to employees of airlines; to the Committee on Ways and Means.

By Mr. WILLIAMS of Ohio:

H.R. 6232. A bill to amend title XVI of the Social Security Act to provide that support and maintenance furnished a mentally retarded individual living in another person's household shall not constitute income to such individual (and shall not cause his or her benefits to be reduced) under the SSI Program; to the Committee on Ways and Means.

By Mr. YOUNG of Florida:

H.R. 6233. A bill to amend the Age Discrimination in Employment Act of 1967 to prohibit discrimination on the basis of age, against individuals who are 70 years of age or older; to the Committee on Education and Labor.

By Mr. UDALL:

H. Con. Res. 356. Concurrent resolution to correct a technical error in the enrollment of the bill H.R. 1437; considered and agreed to.

By Mr. LOTT (for himself and Mr. MICHEL):

H. Res. 580. Resolution to amend House rules to provide for the complete and unedited audio and visual broadcast coverage of House floor proceedings; to the Committee on Rules.

By Mr. HEFTEL of Hawaii:

H. Res. 581. Resolution to request that the President establish a bipartisan commission on the budget deficit; to the Committee on Government Operations.

MEMORIALS

Under clause 4 of rule XXII,

472. The SPEAKER presented a memorial of the Legislature of the State of California, relative to supplemental security income benefits; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. LUJAN:

H.R. 6234. A bill to authorize the Secretary of the Interior to sell certain property located in Lake Sumner State Park, in the State of New Mexico; to the Committee on Interior and Insular Affairs.

By Mr. MCGRATH:

H.R. 6235. A bill for the relief of Richard DeVito; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 960: Mr. ACKERMAN, Mr. AKAKA, Mr. BOLAND, Mr. BRITT, Mr. CHAPPELL, Mr. DANNEMEYER, Mr. DORGAN, Mr. EVANS of Illinois, Mr. FISH, Mr. GEKAS, Mr. GREGG, Mr. HEFNER, Mrs. JOHNSON, Mr. JONES of North Carolina, Mr. LEVINE of California, Mr. MCGRATH, Mr. MARTIN of North Carolina, Mr. MATSUI, Mr. NELSON of Florida, Mr. O'BRIEN, Mr. PANETTA, Mr. ROWLAND, Mr. ST GERMAIN, Mrs. SCHROEDER, Mr. STRATTON, Mr. STUDDS, Mr. TAUZIN, Mr. TORRICELLI, Mr. WEAVER, and Mr. PETRI.

H.R. 1315: Mr. ANDREWS of North Carolina, Mr. BORSKI, Mrs. BURTON of California, Mr. CHAPPIE, Mr. CORCORAN, Mr. DAUB, Mr. DYMALLY, Mr. FORD of Michigan, Mr. HAWKINS, Mr. LEVINE of California, Mr. LEVITAS, Mr. MILLER of Ohio, Mr. MILLER of California, Mr. MINETA, Mr. NOWAK, and Mr. HANCE.

H.R. 1415: Mr. DENNY SMITH, Mr. ROTH, and Mr. REID.

H.R. 1676: Mr. COLEMAN of Missouri and Mr. LEHMAN of Florida.

H.R. 1797: Mr. ANDERSON.

H.R. 2385: Mr. SILJANDER, Mr. MCHUGH, Mr. RUDD, Mr. ANDREWS of Texas, Mr. LAFALCE, Mr. DAVIS, and Mr. DARDEN.

H.R. 2491: Mr. CLAY, Mr. MACKAY, Mr. KOSTMAYER, and Mr. GREEN.

H.R. 4447: Mr. BRYANT, Mr. HUGHES, Mrs. COLLINS, and Mr. CHAPPIE.

H.R. 4494: Mr. HILER, Mr. HORTON, Mr. MARTINEZ, and Mr. MCCANDLESS.

H.R. 5227: Mrs. BURTON of California.

H.R. 5305: Mr. HILLIS.

H.R. 5341: Mr. SOLARZ, Mr. FORD of Michigan, and Mr. LOWRY of Washington.

H.R. 5377: Mr. DORGAN, Mr. BONER of Tennessee, Mr. LEATH of Texas, Mr. WEBER, Mr. HUCKABY, and Mr. HYDE.

H.R. 5534: Mrs. BOXER, Mr. DYMALLY, Mr. CLAY, Mr. FAZIO, and Mr. CONYERS.

H.R. 5959: Mr. BOEHLERT and Mrs. MARTIN of Illinois.

H.R. 5977: Mr. ACKERMAN and Mr. ECKART.

H.R. 5999: Mr. SAVAGE.

H.R. 6019: Mr. CHENEY, Mr. EMERSON, and Mr. MCKERNAN.

H.R. 6021: Mr. APPLEGATE, Mr. BATEMAN, Mr. THOMAS of Georgia, Mr. FRANKLIN, Mr. SPRATT, Mr. ROTH, Mr. PASHAYAN, Mr. BROOMFIELD, Mr. GIBBONS, Mr. MADIGAN, Mr. LEATH of Texas, Mr. DURBIN, Mr. GINGRICH, Mr. MILLER of Ohio, and Mr. TORRICELLI.

H.R. 6066: Mr. DINGELL.

H.R. 6093: Mr. ANNUNZIO, Mr. BATES, Mr. BENNETT, Mr. BURTON of Indiana, Mrs. BYRON, Mr. CHANDLER, Mr. CONYERS, Mr. CORCORAN, Mr. CRAIG, Mr. PHILIP M. CRANE, Mr. DANNEMEYER, Mr. DAVIS, Mr. DOWNEY of New York, Mr. DUNCAN, Mr. DURBIN, Mr. EMERSON, Mr. EVANS of Illinois, Mr. FIELDS, Mr. FISH, Mr. GILMAN, Mr. HAMILTON, Mrs. HOLT, Mr. HOPKINS, Mr. HUBBARD, Mr. HUNTER, Mr. HYDE, Mr. LAGOMARSINO, Mr. LENT, Mr. MADIGAN, Mrs. MARTIN of Illinois, Mr. MCCAIN, Mr. MONTGOMERY, Mr. MRAZEK, Mr. MYERS, Mr. NICHOLS, Mr. OXLEY, Mr. PAUL, Mr. PORTER, Mr. RAY, Mr. ROTH, Mr. RUSSO, Mr. SAVAGE, and Mr. SHAW.

H.R. 6112: Mrs. MARTIN of Illinois, Mr. EVANS of Illinois, Mrs. COLLINS, Mr. MADIGAN, and Mr. RUSSO.

H.R. 6117: Mr. ACKERMAN, Mr. BARNES, Mr. BONKER, Mrs. COLLINS, Mr. DASCHLE, Mr. DYMALLY, Mr. FLORIO, Mr. GARCIA, Mr. GOODLING, Mr. HAYES, Mr. KOLTER, Mr. MADIGAN, Mr. MARKEY, Mr. MORRISON of Washington, Mr. PENNY, Mr. SABO, Mr. SIKORSKI, Mr. SIMON, Mrs. SMITH of Nebraska, Ms. SNOWE, Mr. VANDER JAGT, and Mr. YATRON.

H.R. 6172: Mr. GRAY, Mrs. LLOYD, Mr. PASHAYAN, Mr. GIBBONS, Mr. FASCELL, Mr. GLICKMAN, Mr. WRIGHT, and Mr. SAWYER.

H.J. Res. 392: Mr. COATS, Mr. PASHAYAN, Mr. DUNCAN, and Mrs. BYRON.

H.J. Res. 435: Mr. BIAGGI.

H.J. Res. 482: Mr. BENNETT, Mrs. BOGGS, Mr. MICA, Mr. WALKER, and Mr. SHAW.

H.J. Res. 499: Mr. SMITH of New Jersey, Mr. AUCOIN, Mr. CARR, Mr. ANDERSON, Mrs. LLOYD, Mr. LEVITAS, Mr. RODINO, Mr. DORGAN, and Mr. YOUNG of Missouri.

H.J. Res. 545: Mr. MCCOLLUM, Mr. CHENEY, Mr. TALLON, Mr. ST GERMAIN, Mr. IRELAND, Mr. JACOBS, Mr. ROBERT F. SMITH, Mrs. SCHNEIDER, and Mr. LOTT.

H.J. Res. 550: Mr. COUGHLIN, Mrs. COLLINS, Mr. SIMON, Mr. DANIEL B. CRANE, Mr. SUNDQUIST, Mr. HEFNER, Mr. LIPINSKI, Mr.

LONG of Maryland, Mr. YATRON, Mr. LUNGREN, Mr. EVANS of Illinois, Mr. REID, Mr. DURBIN, Mr. FROST, Mr. PRICE, Mr. CORCORAN, Mr. HATCHER, Mr. WYLIE, Mr. HYDE, Mr. MCCOLLUM, Ms. OAKAR, Mr. RODINO, Mr. BARNARD, Mr. ANNUNZIO, Mr. SISISKY, Mr. PURSELL, Ms. KAPTUR, Mr. SAWYER, Mr. FAUNTROY, Mr. SKELTON, Mr. MCCURDY, Mr. BOSCO, Mr. BONER of Tennessee, Mr. ROBERTS, Mr. HARTNETT, Mr. KEMP, Mr. DONNELLY, Mr. ANDREWS of North Carolina, Mr. MURTHA, and Mr. BRYANT.

H.J. Res. 580: Mr. FRANK, Mr. BONIOR of Michigan, Mr. CONYERS, Mr. GRAY, and Mr. DE LA GARZA.

H.J. Res. 595: Mr. PHILIP M. CRANE, Mr. DAUB, Mr. DE LA GARZA, and Mr. SAVAGE.

H.J. Res. 609: Mr. BATES and Mr. HUTTO.

H.J. Res. 621: Mr. SNYDER.

H.J. Res. 629: Mr. ALBOSTA, Mr. ANDREWS of North Carolina, Mr. ANTHONY, Mr. BEREUTER, Mr. BARNARD, Mr. BROYHILL, Mr. BRYANT, Mr. BURTON of Indiana, Mrs. BYRON, Mr. CLINGER, Mr. COOPER, Mr. CRAIG, Mr. DE LA GARZA, Mr. DICKINSON, Mr. DWYER of New Jersey, Mr. ECKART, Mr. EDWARDS of Alabama, Mr. ENGLISH, Mr. EVANS of Illinois, Mr. FASCELL, Ms. FERRARO, Mr. FIELDS, Mr. FOWLER, Mr. FRANKLIN, Mr. GEJDENSON, Mr. GINGRICH, Mr. GRADISON, Mr. GUNDERSON, Mr. HALL of Ohio, Mr. HAMILTON, Mr. HANCE, Mr. HEFNER, Mr. HUBBARD, Mr. JENKINS, Mrs. JOHNSON, Mr. JONES of North Carolina, Mr. KASICH, Mr. KOSTMAYER, Mr. KRAMER, Mr. LEVITAS, Mr. MACK, Mr. MACKAY, Mr. MADIGAN, Mr. MARTIN of North Carolina, Mr. MCCAIN, Mr. MCCURDY, Mr. MCEWEN, Mr. NEAL, Mr. NICHOLS, Mr. ORTIZ, Mr. OXLEY, Mr. PASHAYAN, Mr. PATMAN, Mr. RAY, Mr. ROWLAND, Mr. SABO, Mr. SCHULZE, Mr. SHUMWAY, Mr. SISISKY, Mr. ROBERT F. SMITH, Mr. DENNY SMITH, Mr. SOLARZ, Mr. VENTO, Mr. WAXMAN, Mr. WEISS, Mr. WHITLEY, Mr. YOUNG of Alaska, and Mr. CHAPPELL.

H.J. Res. 630: Mr. MATSUI, Mr. DUNCAN, Mr. CARPER, Mr. CHAPPIE, Mrs. BURTON of California, Mr. FAUNTROY, Mr. BRITT, Mr. DASCHLE, and Mr. BROWN of Colorado.

H.J. Res. 631: Mr. HEFNER, Mr. ROSE, Mr. JONES of North Carolina, Mr. NEAL, Mr. HAYES, Mr. BEILENSON, Mr. LAFALCE, Mr. DAUB, Mr. LOWRY of Washington, and Mr. DE LA GARZA.

H. Con. Res. 21: Mr. HORTON, Mr. BATES, and Mr. ROE.

H. Con. Res. 268: Mr. CHANDLER.

H. Con. Res. 277: Mr. MOORHEAD.

H. Con. Res. 336: Mr. DIXON.

H. Con. Res. 347: Ms. MIKULSKI and Mr. ECKART.

H. Con. Res. 355: Mr. VANDERGRIFF, Mr. SWIFT, Mrs. JOHNSON, Mr. AKAKA, Mr. JACOBS, Mr. CHAPPIE, Mr. WHITEHURST, Mr. NEAL, Mr. CLINGER, and Mr. SIKORSKI.

H. Res. 430: Mr. ALBOSTA, Mr. BEREUTER, Mr. DE LUGO, Mr. FORD of Michigan, Mr. GRADISON, Mr. HERTEL of Michigan, Mr. PETRI, Mr. ROYBAL, Mr. WAXMAN, Mr. GILMAN, Mr. PANETTA, and Mr. DORGAN.

H. Res. 451: Mr. BERMAN, Mrs. BOXER, Mr. DARDEN, Mr. DAUB, Mr. GARCIA, Mr. KAZEN, Mr. ROSE, Mr. SUNIA, Mr. WEISS, Mr. YOUNG of Missouri, Mr. DE LA GARZA, and Mr. MARTINEZ.

H. Res. 537: Mr. MCCLOSKEY, Mr. SCHULZE, Mr. ROSE, Mr. LANTOS, Mr. JENKINS, Mr. BARNARD, Mr. RICHARDSON, Mr. FLIPPO, Mr. ZSCHAU, Mr. TORRICELLI, Mr. EMERSON, Mr. HAYES, Mr. DYMALLY, Mr. DEWINE, Mr. WILSON, Mr. BATEMAN, Mr. WINN, Mr. NICHOLS, Mr. LEVINE of California, Mr. YOUNG of Alaska, Mr. DWYER of New Jersey, Mr. NELSON of Florida, Mr. NEAL, Mr. PURSELL, Mr. YATRON, Mr. BROWN of California, Mr. JEFFORDS, Mr. STENHOLM, Mr. MATSUI, Mr. YOUNG of Missouri, Mr. LAGOMARSINO, Mr. CLARKE, Mr. SCHEUER, Mr. WALKER, Mr. ANDREWS of North Carolina, Mr. MICA, Mr. KRAMER, Mr. LUJAN, and Mr. SMITH of Florida.

PETITIONS, ETC.

Under clause 1 of rule XXII,

411. The SPEAKER presented a petition of the Virginia Association of Chiefs of Police, relative to a "good faith exception" to the exclusionary rule; which was referred to the Committee on the Judiciary.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 5609

By Mr. HAWKINS:

—Page 7, line 25, strike out "1985" and insert in lieu thereof "1986".

Page 15, line 3, strike out "1985" and insert in lieu thereof "1986".

Page 15, line 23, strike out "1984" and insert in lieu thereof "1985".

—Page 15, strike out line 7 and insert in lieu thereof "Education for Economic Security".

—Page 3, line 10, insert "and" after the semicolon, on line 13, strike out the semicolon and insert in lieu thereof a period, and strike out lines 14 through 19.

By Mr. MACKAY:

—Page 5, line 5, insert after "public" the following: "and the State educational agency".

Page 9, line 15, strike out "and", on line 22, strike out the period and insert in lieu thereof "; and", and after such line insert the following:

(8) the local educational agency in the development and implementation of its program will comply with all applicable State education laws and regulations.

Page 18, after line 20, insert the following new paragraph (and redesignate the succeeding paragraphs accordingly):

(2) the term "State educational agency" means the officer or agency primarily responsible for the State supervision of public elementary and secondary schools;

—Page 5, line 5, insert after "public" the following: "and the State educational agency".

Page 9, line 15, strike out "and", on line 22, strike out the period and insert in lieu thereof "; and", and after such line insert the following:

(8) the local educational agency in the development and implementation of its program will comply with all applicable State education laws and regulations.

Page 10, line 4, insert after "Secretary" "shall take into consideration any written comments submitted by the State educational agency" and

Page 18, after line 20, insert the following new paragraph (and redesignate the succeeding paragraphs accordingly):

(2) the term "State educational agency" means the officer or agency primarily responsible for the State supervision of public elementary and secondary schools;

By Mr. OBEY:

—Page 18, after line 8, insert the following new subsection:

(f) No funds are authorized to be appropriated under this Act for any fiscal year in excess of the amount of revenues (1) that will be collected during such fiscal year as a consequence of the enactment after January 1, 1985, of a measure increasing revenues, and (2) that are specifically designated in such measure as being for the purpose of carrying out this Act.

By Mr. PANETTA:

—Page 13, line 17, strike out "science and mathematics" and insert in lieu thereof "science, mathematics, and foreign language".

Page 14, lines 9 and 10, strike out "science and mathematics" and insert in lieu thereof "science, mathematics, and foreign language".

Page 14, line 17, strike out "mathematics and science" and insert in lieu thereof "mathematics, science, and foreign language".

By Mr. VOLKMER:

—On page 3, line 18, following "languages," insert "technology,",

On page 13 line 17 strike "science and mathematics" and insert in lieu thereof the following: "science, mathematics and technology",

On page 14 lines 9 and 10 strike "science and mathematics" and insert in lieu thereof the following: "science, mathematics and technology", and

On page 14 line 17 strike "mathematics and science" and insert in lieu thereof the following: "mathematics, science and technology".

By Mr. WALKER:

—Page 9, line 15, strike "and".

Page 9, line 22, strike the period, and insert a semicolon, "and", and the following new paragraph:

"(8) the local education agency does not have a policy of denying or effectively preventing participation in prayer in public schools by individuals on a voluntary basis, except that such agencies may limit spoken prayer during instructional periods or at any other time when vocal speech is limited, Provided, That neither the United States nor any state or local educational agency shall require any person to participate in prayer or influence the form or content of any prayer in such public schools.".

—Page 10, 21, insert the following new sentence immediately following the period: "Such expenditures may include reimbursement to parents for tuition payments made for their children enrolled in private schools; Provided, That such reimbursement may amount to no more than 50 per centum of such tuition, and in no case more than $100; Provided further, That no such reimbursement may be made to parents with an adjusted gross income above $50,000 per year; and, Provided further, That no such reimbursement may be made for tuition paid to schools other than non-profit, tax exempt private schools (under section 501(c)(3) of the Internal Revenue Code) which do not discriminate on the basis of race, color, national origin or handicap."

—Title II Section 201(b) add a new subsection (4)

(4) projects that insure the basic competency of all teachers by providing that all entering and graduating students participating in a program of teacher training shall perform at a level of at least the 50th percentile on a nationally recognized test of basic teaching skills.