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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. BURTON of Indiana].

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
April 24, 1997.

I hereby designate the Honorable DAN BURTON to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

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

From the early morning Sun until the going down of the same, we express our thanksgiving, O gracious God, for the many gifts of life that You freely give to us each day. We know that You look upon us not as we deserve, but You forgive us and give us new life and bless us along life's way. For Your amazing grace, for Your wonderful gifts, O God, for all the heavenly hosts who are witness to Your gifts, for all the people who encourage us and for all the people we are privileged to serve, we offer this prayer of gratitude and 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.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Colorado [Mr. BOB SCHAFFER] come forward and lead the House in the Pledge of Allegiance.

Mr. BOB SCHAFFER of Colorado led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 one-minutes on each side.

PRESIDENT'S EXECUTIVE ORDER WOULD LINE THE POCKETS OF UNION CONTRACTORS

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

Mr. NORWOOD. Mr. Speaker, what would the American public say about Congress if we tried to exclude 90 percent of American workers from Government contracts? They would have our heads, and rightly so. But with a stroke of his pen the President wants to do just that, to pay off his friends at the AFL–CIO. The President wants to sign an Executive order that would make sure that all the hard-earned tax dollars Americans send to Washington for Federal construction projects go only to union contractors.

It does not matter if a nonunion contractor can do a better or a less expensive job. It does not matter that this order would exclude 90 percent of the working families of this country. That is just too bad. Only union contractors will get your tax dollars, even if it costs more than a nonunion firm.

Does that make any sense? Of course not, but apparently the President thinks it is more important to line the pockets of the union bosses.

Mr. Speaker, I urge the President to reconsider this absurdly unfair, costly, and absurdly un-American order.

MEDICARE'S IMPENDING INSOLVENCY, REPUBLICANS' INACTION

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

Mr. PALLONE. Mr. Speaker, today the Medicare trustees will release the latest numbers on Medicare's impending insolvency. The Republicans are in the majority, so what is their solution? Instead of passing legislation to fix the trust fund, they have wasted the last 2 years trying to ram through deep Medicare cuts to finance tax breaks for the wealthy.

Last week Republican leaders argued for an additional $30 billion in Medicare cuts. The Medicare legislation that the Republicans passed in the last Congress would have forced seniors to pay double premiums for lesser quality care.

The Republicans fought the Medicare Program when it was created under Democratic control, and now they are relishing the opportunity to let it die under their watch.

PROJECT LABOR AGREEMENTS

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

Mr. BALLENGER. Mr. Speaker, the American people are best served by open competition, whether for goods, services, or for construction. This has always led to lower costs, higher quality, innovation, and efficiency.

The Executive order of President Clinton that he has promised his important labor friends ignores all these principles and imposes a near monopoly on the source of construction labor. Under union-only contracts Federal work would be restricted to a small minority of the work force that is unionized and would deny work to the majority of workers who, for religious, economic, or other personal reasons, choose not to work under union control.

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Mr. Speaker, I urge the President to reject the calls from one narrow interest group for favoritism and to support fair and open competition. Imposing this discriminatory Executive order would be a disservice to working men and women, to the American taxpayer, and to the economy.

WOMEN AND INFANT CARE PROGRAM SHOULD NOT BE CUT

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

Mr. FLAKE. Mr. Speaker, I rise today to ask my colleagues to give major consideration to a program that I think is one of America's finest, and that is the women and infant care program, which I understand that many are talking about cutting.

When we talk about a Nation where infant mortality is at such a high rate that it compares very favorably to many Third World countries, it seems to me that a program that addresses the needs of pregnant women, children before and after birth, ought not be one that we ought to be using the budget knife to slice.

In reality, when we talk about what America is all about, it would seem to me our primary interest ought to be in the protection of our babies and our children, and clearly one of the best programs that we have that addresses that concern is the Women and Infant Care Program.

I think if we talk about budget cuts with WIC, we lose the opportunity to provide for milk, the bread and all of the other necessities for the nutrition of these young children, and in doing so, I think it represents a blight on America.

I would hope that committees that are giving consideration to budget cuts in this area would reconsider and think more favorably about a program that is doing what it was intended to do, and that is meet the needs of our infants and our pregnant mothers.

THE SPIRIT OF VOLUNTARISM IS STILL ALIVE AND WELL

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

Ms. DUNN. Mr. Speaker, when Alexis de Toqueville came to America in the spring of 1831, there were many aspects of American life that deeply impressed him. One of the aspects of American life that impressed him the most was the spirit of voluntarism that he encountered everywhere he went.

Mr. Speaker, that spirit of voluntarism is still alive and well today. In fact, I believe that voluntarism is part of the American character. That is why I am so distressed to see that the spirit of voluntarism is threatened these days by a legal system that allows all sorts of lawsuits to be filed against innocent people who volunteer their time to serve others.

Mr. Speaker, too many volunteers are put on trial by those who are manipulating our legal system and that must stop. That is why we must pass H.R. 911, the Volunteer Protection Act. Volunteers who act in good faith, who are engaged in acts of charity should not be threatened by absurd lawsuits.

Let us pass H.R. 911 and strengthen the unique American spirit of voluntarism.

WHITE HOUSE TURNS THE OTHER CHEEK ON CHINA'S ACTIONS

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

Mr. TRAFICANT. Mr. Speaker, China denies American products and the White House turns the other cheek. China smuggles AK–47's into America and the White House turns the other cheek. China sells missiles to Iran, the White House turns the other cheek. China even threatened to use nuclear force against Taiwan. The White House turns the other cheek.

And after all this, the White House still wants to grant most-favored-nation trade status to China.

Beam me up here. Evidently, the White House will not learn a lesson till one of those Communist Chinese missiles hits them right smack in the middle of their other cheeks. Think about that one, ladies and gentlemen. We are, in fact, financing the next major national security threat to our Nation.

MEDICARE TRUSTEES' REPORT

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

Mr. KINGSTON. Mr. Speaker, a little over 2 years ago, on April 3, 1995, the Medicare trustees, who are appointed by President Clinton and other folks, but it is a bipartisan committee, they came out with their report, and the trustees' report 2 years ago said Medicare was going to be bankrupt, the Congress was under an obligation to move to protect and preserve and strengthen Medicare.

At that time, the Congress passed two plans to protect, preserve, and strengthen Medicare on a bipartisan basis and increase funding per beneficiary from about $5,200 to $7,100. There was no cut.

Unfortunately, politics being politics, this was demagogued and eventually vetoed by the President of the United States. The senior citizens of America deserve more. Today those same trustees will come out with yet another report, and it will say one more time that Medicare is going to go bankrupt in the year 2002.

In 1995, when the report first came out, Medicare was losing $22 million a day. Today it is losing about $36 million a day. Our seniors, my grandmother, my mom, my dad, your grandmother, your mom and dad, they deserve more. It is time for us to work on a bipartisan basis to save Medicare, not just for the next election, but for the next generation.

EDUCATION STANDARDS

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

Mr. ETHERIDGE. Mr. Speaker, nothing is more important to the future of our American families, our communities, and our economy than the success of our public schools. In North Carolina, we have proven that over the last 8 years that if you want to make great strides in public education, you can do it through innovation, high standards, and good old-fashioned hard work.

I rise today to urge this Congress to take aggressive action to support excellence in our public schools. North Carolina has proven that by challenging our people to become the best, we bring out their best efforts. This Congress must take the same approach by providing the necessary tools to equip our young people to provide for quality education for every child in every point and every place in America for those that are willing to work.

Mr. Speaker, I will soon introduce legislation to support voluntary standards in our States to provide for higher standards. We must measure our progress and chart our future to a better America. I urge my colleagues to join me in the support of this legislation.

SAVING MEDICARE

(Mr. BOB SCHAFFER of Colorado asked and was given permission to address the House for 1 minute.)

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, today is an important day for my grandmother and my wife's grandmother and for many of the seniors that I have had a chance to meet over the last several years in my short career in politics. Today is important to them because this afternoon the Medicare trustees will meet and finally release the annual trustee report.

This is a body of trustees appointed by the President. If recent trends hold true, the Medicare trust fund will be bankrupt within 4 or 5 years; and when that happens, all of these seniors will lose their hospital coverage. My grandmother and my wife's grandmother asked me to promise them during the course of my campaign that I would not let that occur, and I aim to maintain that promise and uphold it.

For 2 years, the Republicans have been fighting to save the trust fund. Our plan would actually increase Medicare spending by an average of 7½ percent per year from the $5,200 per recipient today to $7,100 by the year 2002.

That rate of responsible growth is what is needed to, in fact, maintain the solvency of the trust fund.

We also intend to offer choices and to restore the patient-physician relationship that has been lost by a large government, third-party payer system, which is going bankrupt unless we act now to save it.

I urge my colleagues on the other side and the White House, as well, to join us in the effort.

TAX BREAKS FOR WEALTHY IS WRONG PRIORITY

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

Mr. ALLEN. Mr. Speaker, Republicans are demanding an additional $10 to $30 billion in Medicare cuts. Why? Not to extend the life of the Medicare part A trust fund, not to improve the program for the 38 million seniors and disabled who depend on it. No, the additional cuts proposed by the majority are needed to fund tax breaks for the wealthy.

The new crown jewel, costing $300 billion over the next 5 years, involves eliminating all estate and capital gains taxes. Some tax relief makes sense, but only after we balance the Federal budget and invest in our future.

Tax breaks for the wealthy are the wrong priority for this Congress. Our children must be our top priority. Children's health insurance, quality, affordable child care, improved education, and confronting drug and alcohol abuse, that is the heart of our future and ought to be part of our budget.

□ 1015

REPUBLICAN AGENDA TO ADDRESS CHILD ABUSE

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

Mr. EWING. Mr. Speaker, I come here today to talk about part of the Republican agenda. Yesterday I was in a news conference with the gentlewoman from New York [Ms. MOLINARI], the Speaker of the House, the gentleman from Texas [Mr. DELAY], and others from our side talking about legislation to help protect abused children.

One of the points that came out so clearly in that legislative proposal and those who testified was that drugs and alcohol are one of the biggest causes of child abuse in America. I think, of course, of child abuse as symptomatic of the problems with our society and that is an enormous challenge that will take years to meet. But there are things we can do now. We can stop drugs from entering America. We can do a better job of it. We can beef up our border patrols. I hope that they are doing a good job. If they are not, we ought to be investigating. We can use the best equipment to detect those bringing drugs into America. We are not doing enough. It is time that we recognized how high these stakes are and do our very best.

FREEDOM OF THE PRESS UNDER ATTACK

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

Mr. HINCHEY. Mr. Speaker, one of the most important aspects of the foundation upon which this Republic is based is freedom of the press. That freedom unfortunately is under attack by the majority in this House. Two days ago, the Speaker of the House of Representatives addressing the Georgia Chamber of Commerce called upon the advertisers in America's newspapers to attempt to influence the quality and character of news as it is being recorded by the free press in this country. This comes upon the heels of the blatant attack during the last Congress to influence in an outrageous way public broadcasting, both television and radio, in this country by cutting back on their funds. Freedom of the press is critically important to the future of this country and to the freedoms that are possessed by all Americans. That freedom is under attack by this Speaker. I call upon the majority Members in this House to repudiate those remarks of the Speaker and to reaffirm that this House stands solidly behind the right of the free press in this country to report the news as it sees fit, not based upon the advertisers that advertise in those newspapers.

PROJECT LABOR AGREEMENTS

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

Mr. FAWELL. Mr. Speaker, the Clinton administration is expected to issue an Executive order regarding the use of what is called ''project labor agreements'' for all Federal and federally funded construction projects. This proposal is anticompetitive, it is discriminatory, and it is just basically unfair since nonunion construction companies will not be eligible to bid on Federal and federally funded construction projects.

The proposed order appears to be yet another attempt by the President to change or affect Federal laws by executive fiat rather than through the normal legislative process.

Mr. Speaker, this is a matter of basic American fairness. Republicans and Democrats alike should be concerned about this proposed Executive order. Bids to perform Government work should be based on sound, credible criteria such as quality of work, experience, and cost, not union affiliation and not whether the bidder is a union or nonunion construction company. President Clinton's initiative is unfair and discriminatory and goes in the opposite direction of fair and merit-based competition. It will exacerbate already strained relations between management and labor in this Nation and between the Congress and the administration. I would implore the President to reconsider his intentions here.

MEDICARE

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

Mr. WYNN. Mr. Speaker, one of the things that most frustrates the American public is the failure of Congress to address the Nation's real business. Today the trustees of the Medicare system will make a report and talk about the real business, and that business is the problem of our Medicare trust fund going bankrupt in about the year 2002.

The question then becomes what are we going to do about it? Or, rather, what is the Republican majority going to do about it? We believe that we can make prudent cuts and achieve savings that will solve this problem. The President has put that proposal out on the table. We can adjust it and avoid this bankruptcy. The question becomes, what does the Republican majority want to do? So far, their crown jewel is not solving Medicare but providing tax breaks that basically benefit the wealthy. The tax breaks that they have talked about amount to $300 billion over 5 years. Who gets that $300 billion in tax breaks? Not the average American. Rather, the richest 5 percent, people who make over $100,000 a year.

My suggestion is this: Let us not give those big tax breaks, let us put the crown jewel back in the drawer, let us address the Nation's real business which is solving the Medicare problem. We can do that without giving tax breaks to the wealthy, and that is what we ought to do. Take care of the Nation's business.

MEDICARE IS LIVING BEYOND ITS MEANS

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

Mr. GUTKNECHT. Mr. Speaker, as my colleagues have said so far this morning, today the Medicare trustees' report will be unveiled. Unfortunately, we all know what it is going to say. It is going to say that bankruptcy is closing in. That is the bad news.

For 2 years now Medicare part A, the trust fund, has been spending more than it takes in. Medicare is living beyond its means and is rapidly depleting any surplus that it may have built up. That is the bad news.

The good news is that we have a plan to protect the trust fund. We can simplify the complicated billing and paperwork. We can offer seniors a choice and

use the market system to give people a choice and let them decide what is best for them. We can aggressively fight waste and abuse, which cost billions of dollars to the Medicare fund every year.

Mr. Speaker, such a plan was successfully passed in the last Congress. Unfortunately, the President chose to veto it. We have a unique opportunity in this Congress to produce such a solution again. Let us work together on a bipartisan basis, let us seize the day, let us save Medicare.

TRIBUTE TO BRANDON K. SEARCY

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

Mr. LEWIS of Georgia. Mr. Speaker, I rise on behalf of the citizens of Atlanta to mourn the loss and celebrate the life of Brandon Searcy. Brandon Searcy was just 8 years old. He was the victim of a senseless and hideous crime.

Mr. Speaker, what kind of world do we live in when an 8-year-old child is stalked and preyed upon, when it is no longer safe for a child to walk a block to a school bus stop?

Brandon Searcy was a special child, a gifted child. He was the light and the joy of his mother Kimala Searcy. He loved school and he loved the Lord, and he was dedicated to both.

Brandon was a member of the First Norman Grove Baptist Church in Scottsdale, GA. He often took notes during the pastor's sermons, and he and sister, Algerica, would sing with joy their favorite song, ''Shake the Devil Off.''

Brandon was a second grade student at Cleveland Avenue Elementary School where he excelled as an honor student on the principal's list. He loved to play baseball and his ambition was to go to college and then become a professional baseball player.

Mr. Speaker, Brandon Searcy's favorite passage from the Bible was the 23d Psalm. It reads in part, ''Surely goodness and mercy shall follow me all the days of my life, and I will dwell in the house of the Lord forever.''

Brandon Searcy, Mr. Speaker, will surely dwell in the house of the Lord forever. He will be remembered and he will be missed by all who knew him and many who never had the good fortune. God bless Brandon Searcy.

WE NEED TRUTH IN LENDING AND TRUTH IN LEGISLATING

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

Mr. PAUL. Mr. Speaker, I am very disappointed that so far in this Congress we have not yet seen any sincere effort to cut any spending. The latest ploy has been the Treasury report that claims the deficit is shrinking up to nothing. In the first 6 months of this year we are in deficit of $101 billion and this is claimed to be a victory, thus taking off the pressure to work harder to cut spending. How did they do this?

The first thing we did was we sent the IRS agents out and hounded the American people and collected $28 billion more than they did in the first 6 months of the last fiscal year. But they did something else. They keep borrowing from the trust funds. They borrow from the Social Security fund, further jeopardizing that whole program. Looking at the statistics more carefully, they claim the deficit is $111, but during the past 12 months our national debt went up $241 billion. There is no way to predict what the next 6 months will bring. Interest rates may rise, revenues may dwindle if the markets and the economy slumps.

I think that we ought to have some truth in lending and truth in legislating here by honestly telling the American people that there is something wrong here that could and should be adjusted with decreased spending, not raising taxes and not further robbing the Social Security trust fund.

MEDICARE TRUSTEES REPORT DUE TODAY

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

Mr. PETERSON of Pennsylvania. Today, the Medicare trustees are due to report on the projected solvency of the Medicare part A trust fund. As we all recall, last year's report predicted the part A trust fund would be insolvent by the year 2001 without reform. We also know that in 1996 the trust fund lost $25 million a day and is now losing over $30 million a day.

Ladies and gentlemen of this House, this is unacceptable. The state of the Medicare Program warrants serious discussion proposing genuine solutions. A recent proposal introduced in the House would add provider-sponsored organizations to the managed care options available to Medicare beneficiaries. By allowing groups of affiliated providers to organize and deliver a broad base of health care services, we can offer new choices for quality care that is community based. For a rural district like mine, increased choice is a welcome opportunity. Whether your district is rural, urban, or suburban, we all know that localized solutions work best.

I ask Members to support that measure.

DEFENSE DIVERSIFICATION ON DISPLAY IN NEW FILM

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

Mr. GEJDENSON. Mr. Speaker, this last Friday we celebrated Steven Spielberg's filming at a former defense facility, not a war movie but a movie about slaves who revolted and freed themselves. As exciting as the topic of the story is, it was exciting to see defense diversification at work. Sonalyst Studios has the best sound stage in America. It used the sound technology it developed during the cold war with submarines and submarine quieting to build a sound stage.

□ 1030

Now a company is diversified, helping the economy of eastern Connecticut, providing jobs and then entertainment for the country. While we are still suffering some of the effects of the defense downsizing and the bad economy of the early nineties, small companies like Sonalyst Studios Ship Analysis and Technologies are taking their defense technologies and diversifying, expanding our economy and building the economy of the entire country. This event Friday night was spectacular to see some of the best in the entertainment industry coming to eastern Connecticut. Using our facilities at Sonalyst Studios is hopefully going to set a pattern for years to come.

Mr. Speaker, we have still got pains in defense downsizing but it is exciting to see these companies using their own resources and investment to broaden their economic activity, benefiting the entire community.

Mr. DREIER. Mr. Speaker, will the gentleman yield for one moment?

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

Mr. DREIER. Mr. Speaker, I would just like to say to my friend that we are happy to see the entertainment industry moving to Connecticut partially, but we want them to know that their home continues to be in southern California, and we hope very much they will continue to make base there.

Mr. GEJDENSON. Mr. Speaker, reclaiming my time, I would say that we are happy at this stage to just have a small piece of what is happening in southern California, and we will fight over the larger share later.

DEPUTY TREASURY SECRETARY COMPLETELY MISSES THE POINT ON DEATH TAXES

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

Mr. PAXON. Mr. Speaker, earlier this week the Deputy Treasury Secretary, Lawrence Summers, condemned efforts to ease Federal death taxes saying these were motivated by, and I am quoting him here, selfishness. I believe it is nothing short of an outrage for an administrative official who has such important influence over tax policy to make a statement like this.

Secretary Summers completely misses the point on death taxes. The fact is whether it is small business or family farmers or others, they spend

thousands of hours and tens of thousands of dollars, in many cases a year, on estate planning to forestall the selloff of that family farm or that small business which results in the loss of jobs back at home in our districts. This is time and money that would be far better spent on buying new equipment and expanding operations so new jobs and more jobs and better wages can be created.

Now as we continue this debate we cannot lose sight of the heavy costs that death taxes impose each and every year on our communities and our country. If we stress this enough here in Congress, hopefully the folks down at Treasury will finally open their eyes and ears to the real world.

JOIN IN COSPONSORING H.R. 14

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

Mr. DREIER. Mr. Speaker, I rise to once again encourage my colleagues to join as cosponsors of H.R. 14, the bill that a number of Democrats and Republicans introduced on the opening day, to put 14 percent as the top rate on capital gains. My friend from New York was just talking about the administration's opposition to dealing with our attempt to repeal the death tax. I am happy to say on capital gains, the job creation and savings encouragement measure, that we have an indication of some support coming from the White House.

I hope very much that we can move beyond our 130-plus Democrats and Republicans as cosponsors because reducing the top rate on capital gains will clearly create jobs, increase the flow of revenues to the Federal Treasury, and by $1,500 a year increase the take-home pay for working Americans. Reducing the top rate on capital is in fact a family, permanent family tax cut, and I hope everyone will join in cosponsoring H.R. 14.

PROVIDING FOR CONSIDERATION OF H.R. 1274, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY AUTHORIZATION ACT OF 1997

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 127 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 127

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 1274) to authorize appropriations for the National Institute of Standards and Technology for fiscal years 1998 and 1999, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(l)(6) of rule XI are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Science. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Science now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. (Mr. BURTON of Indiana). The gentleman from Florida [Mr. DIAZ-BALART] is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentlewoman from New York [Ms. SLAUGHTER], pending which I yield myself such time as I may consume. During consideration of this resolution, Mr. Speaker, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 127 is an open rule providing for the consideration of H.R. 1274, the National Institute of Standards Technology Authorization Act of 1997. The purpose of the legislation is to authorize appropriations for the National Institute of Standards and Technology for fiscal years 1998 and 1999. House Resolution 127 waives points of order against the consideration of the bill for failure to comply with the 3 day availability of committee reports rule. In addition the rule provides for 1 hour of general debate, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science.

After general debate, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule the amendment in the nature of a substitute recommended by the Committee on Science now printed in the bill. Each section shall be considered as read. Further, the Chair would be authorized to grant priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD, and the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, the National Institute of Standards and Technology is the Nation's oldest Federal laboratory, serving as the Nation's dispute arbiter of standards in complex technologies. I look forward to an open and full debate and will defer to the Committee on Science for an indepth explanation as to the bill's merits and complexities. The Committee on Rules' hearing on this bill was extremely cordial and bipartisan, which I believe is an accurate reflection of the manner in which the Committee on Science handled this legislation.

Mr. Speaker, the rule before us, I believe, is an exemplary rule, it is fair, it is completely open, and I would urge its adoption.

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

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

Mr. Speaker, I thank the gentleman from Florida for yielding the customary 30 minutes.

Mr. Speaker, I support this open rule which will allow us to consider H.R. 1247, the National Institute of Standards and Technology Act. NIST, as it is called is an essential institution because it works with the U.S. industries to develop and implement innovative technologies and electronics, supercomputers, and microwave communications for other agencies and private business.

H.R. 1274 includes two important programs which are not funded in last year's bill: the advanced technology program, ATP, and the manufacturing extension partnership. ATP encourages public-private cooperation in the development of technologies with broad application across industries. In my own district in upstate New York, ATP funds allow businesses like TROPEL Corp. and Eastman Kodak to produce new technologies that benefit our entire Nation. While I might have hoped for an authorization level closer to the President's request, I am encouraged that this year's bill does authorize ATP.

High technology of Rochester and another countless projects benefit from NIST's manufacturing extension program. This program helps small- and medium-sized manufacturing companies to utilize the technologies developed under the auspices of NIST. Manufacturing extension partnerships benefit all 50 States and Puerto Rico.

I encourage my colleagues to support this bill which will continue authorization for the NIST, the Nation's oldest Federal laboratory. I hope they will join me in supporting this open rule.

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

Mr. DIAZ-BALART. Mr. Speaker, I have no further speakers on the rule.

Ms. SLAUGHTER. Mr. Speaker, I have no speakers, and I yield back the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield back the balance of my time, and

I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 1273, NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT OF 1997

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 126 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 126

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 1273) to authorize appropriations for fiscal years 1998 and 1999 for the National Science Foundation, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Science. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Science now printed in the bill. The committee amendment in the nature of a substitute shall be considered by title rather than by section. Each title shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida [Mr. DIAZ-BALART] is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentlewoman from New York [Ms. SLAUGHTER] pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 126 is an open rule providing for the consideration of House Resolution 1273, the National Science Foundation Act of 1997. The purpose of this legislation is to authorize the activities of the National Science Foundation for the fiscal years 1998 and 1999. House Resolution 126 provides for 1 hour of general debate, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science. After general debate, it shall be in order to consider as an original bill for purpose of amendment under the 5-minute rule the amendment in the nature of a substitute recommended by the Committee on Science now printed in the bill. Each title shall be considered as read.

Further, the Chair will be authorized to grant priority in recognition to Members who have pre-printed their amendments in the CONGRESSIONAL RECORD, and the rule provides for one motion to recommit with or without instructions.

As is well known, Mr. Speaker, the National Science Foundation funds research and education activities in all fields of science and engineering at colleges and universities throughout the United States, and, Mr. Speaker, similar to the previous rule, the rule that we just adopted, this rule, 126, is open, and I urge its adoption.

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

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

Mr. Speaker, I support this open rule that will allow us to consider H.R. 1273, the National Science Foundation Authorization Act. The National Science Foundation contributes to the advancement of biological sciences, geosciences, mathematical and physical sciences, as well as scientific research and educational programs. In my own district of Rochester, NY, last year the NSF awarded $13 million in grants to support both basic and scientific research and high-tech development. Ninety-six NSF grants enabled scientists in my district to pursue critical work and optical science and engineering, advanced manufacturing technologies and virtual reality programs which can replace the real world in testing and debugging a system.

□ 1045

The NSF is the foundation for the countless scientific and technological advances that enable us to compete in the global economy.

We should pass this bill, which provides continued funding for the NSF. I urge my colleagues to support this open rule.

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

Mr. DIAZ-BALART. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 1275, CIVILIAN SPACE AUTHORIZATION ACT, FISCAL YEARS 1998 AND 1999

Mr. MCINNIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 128 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 128

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 1275) to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 1998 and 1999, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(l)(6) of rule XI are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Science. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Science now printed in the bill. The committee amendment in the nature of a substitute shall be considered by title rather than by section. Each title shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

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

Mr. Speaker, this is a very simple resolution. The proposed rule is an open rule providing for 1 hour of general debate equally divided and controlled by the chairman and ranking member of the Committee on Science. The resolution waives points of order against consideration of the bill for failure to comply with clause 2(L)(6) of rule XI. After general debate, the bill shall be considered for amendment under the 5-minute rule. Furthermore,

it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule the amendment in the nature of a substitute recommended by the Committee on Science now printed in the bill.

Additionally, Mr. Speaker, House Resolution 128 provides that the committee amendment in the nature of a substitute shall be considered by title rather than by section. Moreover, the rule provides that the Chair may accord priority recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

Mr. Speaker, at the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Finally, Mr. Speaker, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, under the proposed rule, each Member has an opportunity to have their concerns addressed, debated, and ultimately voted up or down by this body. House Resolution 128 was reported out of the Committee on Rules by a voice vote.

Mr. Speaker, the underlying legislation, H.R. 1275, the Civilian Space Authorization Act for fiscal years 1998 and 1999 is a bipartisan compromise that keeps the Nation's civilian space program on course.

Mr. Speaker, I urge my colleagues to support the rule and the underlying legislation.

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

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

Mr. Speaker, I want to thank my colleague, the gentleman from Colorado [Mr. MCINNIS] for yielding me this time. This is an open rule which will allow full and fair debate on H.R. 1275. This is a bill to reauthorize the National Aeronautics and Space Administration for fiscal years 1998 and 1999.

This bill is important to a lot of people, especially to my colleagues in the State of Ohio. My district is the home of the Wright Brothers and the birthplace of aviation, so Ohio is one of the top States for aerospace research through Wright-Patterson Air Force Base in Dayton and NASA Lewis Research Center in Cleveland.

The aerospace industry is estimated to employ nearly 300,000 workers in the State of Ohio and contributes nearly $23 billion to the total economy of the State.

As my colleague from Colorado [Mr. MCINNIS] has described, this rule provides 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Science.

Under the rule, amendments will be allowed under the 5-minute rule, the normal amending process in the House. All Members on both sides will have a chance and an opportunity to offer amendments. The rule does waive the clause in the House rules requiring 3-day availability for committee reports. However, given the open process and bipartisan support behind this bill, the Committee on Rules did not consider this a problem. The Committee on Rules approves this open rule unanimously by a voice vote, and I would urge adoption of the open rule and the bill.

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

Mr. MCINNIS. Mr. Speaker, I yield back the balance of my time, and I move the previous question.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 1271, FAA RESEARCH, ENGINEERING, AND DEVELOPMENT AUTHORIZATION ACT OF 1997

Mr. LINDER. Madam Speaker, by the direction of the Committee on Rules, I call up House Resolution 125 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 125

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 1271) to authorize the Federal Aviation Administration's research, engineering, and development programs for fiscal years 1998 through 2000, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with section 306 of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Science. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Science now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with section 306 of the Congressional Budget Act of 1974 are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mrs. MORELLA). The gentleman from Georgia [Mr. LINDER] is recognized for 1 hour.

Mr. LINDER. Madam Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas [Mr. FROST], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Madam Speaker, House Resolution 125 is an open rule providing for consideration of H.R. 1271, the Federal Aviation Administration Research Engineering and Development Authorization Act of 1997. This rule provides for 1 hour of general debate, divided equally between the chairman and the ranking minority of the Committee on Science. The rule also waives points of order against consideration of the bill for failure to comply with section 306 of the Congressional Budget Act of 1997.

Madam Speaker, House Resolution 125 makes in order the Committee on Science amendment in the nature of a substitute as an original bill for the purpose of amendment, with each section being considered as read. The rule waives points of order against the committee amendment in the nature of a substitute for failure to comply with section 306 of the Congressional Budget Act of 1974.

Madam Speaker, this rule continues an approach that has been used effectively in recent Congresses by according priority and recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. The rule does not require preprinting but simply encourages Members to take advantage of the option in order to facilitate consideration of amendments on the floor and to inform Members of the details of pending amendments.

Finally, House Resolution 125 provides for one motion to recommit, with or without instructions, as is the right of the minority Members of the House.

Madam Speaker, this is a standard open rule, and the Committee on Rules has assured all Members who wish to modify the bill through the amendment process that they have every opportunity to offer their amendments.

Briefly, this legislation authorizes the Federal Aviation Administration's research, engineering and development programs for fiscal years 1998 through 2000. The bill provides important funding to enhance computer and information systems security for air traffic management to prioritize weather research projects and reduce delays in aircraft accidents and to develop new technologies that will ensure air safety.

I want to commend the gentleman from Wisconsin [Mr. SENSENBRENNER], the chairman of the Committee on

Science, for crafting legislation that will ensure the preservation and security of the national aerospace system as we work to meet the increased air traffic demands that are expected in the next century.

H.R. 1271 was favorably reported out of the Committee on Science, as was the open rule by the Committee on Rules. I urge my colleagues to support the rule so that we may proceed with general debate in consideration of the merits of this very important bill.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise in support of this open rule and I rise in support of H.R. 1271, the Federal Aviation Administration Research, Engineering and Development Authorization.

Madam Speaker, the Committee on Science is to be commended for sending this legislation to the full House for its consideration. This bill, along with the others the House will consider today, are examples of what can happen when a committee sits down to do its work and includes all of its members, majority as well as minority, in its deliberations. Reauthorization of the research and engineering activities of the Federal Aviation Administration is an important matter to all Americans and especially to the flying public.

This legislation enhances the activities of the FAA in four important areas: Capacity and air traffic management, weather, environment and energy, and innovation and cooperative research. The Science Committee has recommended funding priorities for the FAA in the next 2 fiscal years, and the open rule recommended by the Committee on Rules will allow the House to fully debate these priorities and the appropriate levels of funding.

Madam Speaker, this legislation reflects what the real work of the Congress is all about: Taking care of the Nation's business. H.R. 1271 is not a bill which will grab headlines or make bold political statements. Instead, it is legislation which reviews and renews the activities of the Federal Government, upon which the people of this country depend to ensure their safety.

The committee system has been used to its best advantage because of the cooperative spirit demonstrated by the gentleman from Wisconsin [Mr. SENSENBRENNER], the chairman, and by the gentleman from California [Mr. BROWN], his ranking member. I commend them as well as the other members of the Committee on Science.

□ 1100

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

Mr. LINDER. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1031

Mr. FROST. Madam Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1031.

The SPEAKER pro tempore [Mrs. MORELLA]. Is there objection to the request of the gentleman from Texas?

There was no objection.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY AUTHORIZATION ACT OF 1997

The SPEAKER pro tempore. Pursuant to House Resolution 127 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1274.

□ 1101

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1274) to authorize appropriations for the National Institute of Standards and Technology for fiscal years 1998 and 1999, and for other purposes, with Mr. DUNCAN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Wisconsin [Mr. SENSENBRENNER] and the gentleman from Tennessee [Mr. GORDON] each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. SENSENBRENNER].

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

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

Mr. SENSENBRENNER. Mr. Chairman, I rise today to present H.R. 1274, the National Institute of Standards and Technology Authorization Act of 1997.

I would like to thank and congratulate the subcommittee chairwoman, the gentlewoman from Maryland [Mrs. MORELLA] and the ranking member, the gentleman from Tennessee [Mr. GORDON] for crafting such a fine bill.

H.R. 1274 authorizes all the programs under the Technology Administration in the Department of Commerce that require appropriations for fiscal years 1998 and 1999. The Technology Administration includes the Office of the Under Secretary and the Office of Technology Policy in NIST, which is responsible for the vast majority of programs that make up the Technology Administration.

Mr. Chairman, H.R. 1274 is a fiscally responsible bill. It authorizes $609 million for fiscal 1998, a decrease of over $92 million, or 13 percent from the administration's request.

In fiscal year 1999 the bill authorizes a total of $628 million, again $116 million or 16 percent below the administration's projected budget.

While spending less than the administration requested, the bill manages to do more. In authorizing NIST programs, the bill prioritizes funding for NIST laboratory functions, increasing their funding by 5 percent for fiscal 1998 and 3 percent for fiscal 1999, while reducing funding for lower priority programs such as the advanced technology program, and providing no funding for new administration initiatives such as the experimental program to stimulate competitive technology, or EPSCOT, for short.

Specifically, the bill authorizes $278.6 million for NIST laboratory activities in fiscal 1998 and $286.9 million in fiscal 1999. The NIST laboratories have been called the crown jewel of the Technology Administration, and H.R. 1274 will help ensure that they have sufficient funding to continue their vital work of safeguarding the accuracy of standards necessary for domestic and international commerce.

H.R. 1274 includes $117.8 million for the manufacturing extension program in fiscal 1998 and $111.3 million in fiscal 1999. These totals will allow for full funding of all 75 existing MEP centers and will cover the administrative costs associated with running the program.

The bill also reforms and authorizes reduced funding for ATP in fiscal 1998 and fiscal 1999. ATP is authorized at $185 million in 1998 and $150 million in fiscal 1999. These levels represent decreases of $40 million and $75 million, respectively, from the fiscal year 1997 appropriated total of $225 million. The bill further reforms the program's match requirements, requiring a 60 percent match from all joint venture grant recipients and non-small business single awardees.

To ensure that ATP grants are not simply displacing private capital, the bill also contains language requiring a review of ATP applications to ensure that an ATP grant is actually required in order to enable the project to go forward.

Finally, the bill authorizes funding for NIST critical maintenance and construction needs for fiscal 1998 and fiscal 1999. In order to ensure that construction funding is used in the most appropriate manner, H.R. 1274 includes a certification requirement precluding the Department from obligating any money to new construction unless it meets the requirements of NIST's new facilities plan.

Accordingly, the authorization language includes provisions to reduce scientific research earmarks, to require the Committee on Science to receive notice of any reprogramming of NIST funds, and to express the sense of Congress that NIST should address the year 2000 computer date field program.

Mr. Chairman, H.R. 1274 is a sound bill. It is fiscally responsible, and will help ensure that NIST programs, which

are some of our Nation's most important technology research and development programs, receive the funding they require during the next 2 fiscal years.

I encourage all my colleagues to join me in supporting the National Institute of Science and Technology Authorization Act of 1997.

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

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

Mr. Chairman, I rise in support of H.R. 1274, the National Institute of Standards and Technology Authorization Act of 1997. This bill authorizes all the programs in the Technology Administration, including the programs of the National Institute of Standards and Technology.

H.R. 1274 represents bipartisan agreement on a sensible U.S. science and technology policy. As Chairman SENSENBRENNER stated, the bill before us today represents a number of changes to H.R. 1274 as introduced. I want to thank the chairman, the gentleman from Wisconsin [Mr. SENSENBRENNER] and the gentlewoman from Maryland [Mrs. MORELLA] for working with us to resolve some of our concerns.

My remaining reservation about H.R. 1274 centers around the funding level for the Advanced Technology Program. The funding level allows only for a modest number of new awards to be made in 1998, and allows for no new awards in 1999. Both authorization levels represent significant cuts below the fiscal year 1996 and fiscal year 1997 appropriated levels. One of the criticisms of the ATP has been the lack of thorough evaluation of the program. I would like to point out that this is a relatively new program, and only 42 projects have been completed.

In addition, the ATP has not had stable funding. As a result, we do not have the hard data needed to evaluate this program objectively and rationally.

With this reservation, I support H.R. 1274, which moves overall U.S. policy in the right direction. I urge my colleagues to support this bill, as well.

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

Mr. SENSENBRENNER. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Maryland [Mrs. MORELLA], who is the chair of the subcommittee.

Mrs. MORELLA. Mr. Chairman, I thank the chairman of the full Committee on Science for yielding the time to me, and for the leadership that he has shown and that the gentleman from California [Mr. BROWN] as ranking member has shown on that committee.

I rise today in support of H.R. 1274, the National Institute of Standards and Technology Authorization Act of 1997, legislation that I introduced on April 10 of this year. The bill is, as has been mentioned, truly bipartisan. It has been cosponsored by the gentleman from California [Mr. BROWN], the gentleman from Tennessee [Mr. GORDON], the ranking members of both the full committee and the Subcommittee on Technology, as well as the gentleman from Michigan [Mr. EHLERS], the gentleman from Virginia [Mr. DAVIS], and the gentlewoman from Texas [Ms. JACKSON-LEE], all distinguished members of the Committee on Science.

NIST is the Nation's oldest Federal laboratory. It was established by Congress in 1901 as the National Bureau of Standards, and subsequently renamed NIST.

As a part of the Department of Commerce, NIST's mission is to promote economic growth by working with industry to develop and apply technology, measurements and standards. As the Nation's arbiter of standards, NIST enables our Nation's businesses to engage each other in commerce and participate in the global marketplace.

The precise measurements required for establishing standards associated with today's increasingly complex technologies require NIST's laboratories to maintain the most sophisticated equipment and the most talented scientists in the world. To date, NIST has succeeded, and the science conducted by the Institute is a vital component of the Nation's civilian research and technology development base.

H.R. 1274 authorizes $609 million for fiscal year 1998 and $628 million for fiscal year 1999 for the Technology Administration. NIST's programs account for all but $7 million of that total in fiscal year 1998.

The care of NIST's functions are conducted by NIST's laboratories. The bill prioritizes these functions, increasing their funding by 5 percent in fiscal year 1998 and 3 percent in fiscal year 1999. The increases will ensure that the laboratories have sufficient funding to maintain the high quality of their work, while expanding their services in three areas.

First of all, the bill includes a $2.5 million increase in the 1998 budget from the levels recommended by the administration for the physics program to support reengineering measurement services to simplify the delivery of measurement assurance at the point of use. This initiative should increase the accuracy and lower the cost of calibration for the end users of NIST standards.

Second, H.R. 1274 authorizes an additional $4 million for fiscal year 1998 for the Computer Science and Applied Mathematics Program to augment NIST work in the field of computer security. The increase is intended to enable NIST, through its programs, to improve computer security throughout the Federal Government.

Third, the bill includes a half million dollar increase in fiscal year 1998 from the levels recommended by the administration for the Technical Assistance Program to support improving measurement standards to facilitate international trade and provide additional funding to implement the National Technology Transfer and Advancement Act of 1995.

H.R. 1274 also authorizes funding for NIST's most critical maintenance and construction needs. The bill includes $16.7 million in fiscal year 1998 and $67 million in fiscal year 1999 for construction and maintenance of NIST facilities.

The funding is sufficient to cover the administration's request for maintenance in fiscal year 1998 and fiscal year 1999, and it includes $50 million in fiscal year 1999 for NIST's top new facility priority, the Advanced Metrology Laboratory. In order to ensure that the construction funding is used in the most appropriate fashion, H.R. 1274 includes the certification requirement precluding the Department from obligating any money to new construction unless it meets the requirements of NIST's new facilities plan.

In order to help offset these increase, the bill reduces funding for lower-priority programs at NIST, and in the Technology Administration.

Therefore, the bill includes a reduction of $40 million and $75 million to the Advanced Technology Program in fiscal years 1998 and 1999, respectively. While I support the ATP program, I believe H.R. 1274's authorizations of $185 million in fiscal year 1998 and $150 million in fiscal year 1999 are sufficient for the program.

H.R. 1274 also does not authorize funding for the $1.7 million Experimental Program to Stimulate Competitive Technology, called EPSCOT, and the $350,000 program in support of the administration's foreign policy.

Along with funding NIST's laboratories, H.R. 1274 also authorizes full funding of all 75 existing Manufacturing Extension Partnership Centers and the administrative costs that are associated with running the program for the next 2 years.

The bill also authorizes $4.1 million in fiscal year 1998 and $5.3 million in fiscal year 1999 for the Malcolm Baldrige National Quality Program. These totals will allow for the program's expansion into education and health care over the next 2 years.

Finally, the bill contains a number of good Government provisions, including a sense of Congress on the year 2000 computer problem. As a strong proponent of addressing this impending crisis, I am pleased that this provision has not only been included in the NIST authorization bill, but all of the Committee on Science's authorizations.

I am hopeful that with continued pressure from the Committee on Science and from Congress, the administration will fix the problem before it is too late.

□ 1115

Mr. Chairman, H.R. 1274 is both fiscally responsible and scientifically sound. It will help NIST remain the world's foremost scientific research institution for the establishment of standards and the development of new technologies.

I encourage all my colleagues to join me in supporting the National Institute of Standards and Technology Authorization Act of 1997.

Again, my appreciation to the chairman of the full committee, the gentleman from Wisconsin [Mr. SENSENBRENNER], and the ranking member, the gentleman from California [Mr. BROWN], my ranking member, the gentleman from Tennessee [Mr. GORDON] of the Subcommittee on Technology and the members.

I also want to offer accolades to the staff who worked very hard on this inch by inch: on our side, Richard Russell and Ben Wu; on the minority side, Mike Quear and Jim Turner.

Mr. GORDON. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. BROWN], ranking member on the Committee on Science.

Mr. BROWN of California. Mr. Chairman, I thank the ranking minority member of the subcommittee, the gentleman from Tennessee [Mr. GORDON], for yielding me this time.

I rise in support of H.R. 1274. I support most of the funding provisions, although I have a few reservations which the subcommittee ranking member has pointed out.

Many of our concerns were resolved in the manager's amendment offered during the markup and the committee adopted an amendment, the Boehlert-McHale amendment, which lifts the 6-year cap on Federal support for manufacturing extension partnership centers, which helps to assuage some of my problems with the bill.

There are a few additional matters which we hope to continue to work with the majority on during the further progress of the bill. I am confident that I can safely urge my colleagues to support the bill.

In conclusion, let me add a word about the legislative progress of this bill. Most of my colleagues will not recall, but we had some problems with this bill last year. I remember them very vividly because they represented a situation which I felt both the process and the results were wrong.

I only make this statement, not to rehash the past, but to point out the marked difference in process and content this year and to praise the chairman of the full committee, the gentleman from Wisconsin [Mr. SENSENBRENNER] for his spirit of cooperation with the minority, his evenhanded management of the committee, and for all of his other many good traits which I really never suspected until I saw him in action as chairman during the course of these last few months.

It has been a pleasure to work with him. I look forward to continuing the cooperative relationship that we have had and to continue to produce the good work which I know our committee is capable of doing.

Mr. COOK. Mr. Chairman, thank you for this opportunity to share my concerns about the Advanced Technology Program. First, let me say I am a strong believer in research and development. My own explosives manufacturing business stems from my father's research into ammonium nitrate. After considerable research and development of new, safe, low-cost explosives, two successful companies were founded that to this day provide hundreds of jobs to people in Utah and other States.

Research and development is the backbone of competitive enterprise. But I do not believe that the Advanced Technology Program is the best way to encourage corporate research and development. This program has some troubling flaws. I think it would be irresponsible to give $40 million more to a program that has the problems ATP has.

Let me give you an example of one problem. ATP is designed to fund long-term, high-risk programs that would not be funded by the private sector. To qualify, applicants must assure the Government that they could not get funding anywhere but from the ATP. They make that assurance in writing. Yet, a recent poll by the General Accounting Office of those who received ATP funding showed that fully half acknowledged they could have obtained funding somewhere else or would have gone ahead with their research without outside funding.

That tells us the money isn't going to the projects ATP was designed to fund: Research projects that would never be done if it wasn't for ATP.

That's a serious problem. Now, the Democrats want to toss another $40 million of taxpayers' hard earned money into this program without correcting that flaw. President Clinton would like to go farther, throwing another $275 million into the ATP in the next 4 years, more than doubling the size of the program.

Ladies and gentlemen, this is nothing more than corporate welfare. And not even very efficient corporate welfare, since apparently half of the companies that have received money from ATP could have gotten the money privately. That means tens of millions of taxpayer dollars—maybe hundreds of millions of dollars—that could have been spent to build roads and improve our schools, or reduce our Federal deficit was spent to assist companies that apparently didn't need governmental assistance. If we are serious about getting Federal spending under control, that thought should be deeply troubling to each of us.

This amendment is the very thing American taxpayers are sick of. The lavish, reckless corporate welfare of this amendment is the kind of excess that appalls and angers our constituents. This program has already grown 2,150 percent in just 7 years. And now the Democrats want to fatten it even more. If President Clinton gets his way, by 2002, funding for the ATP will be 5,000 percent greater than it was in 1990. In 1990, Congress gave it $10 million. By 2002, President Clinton wants it to receive half a billion dollars. If that isn't an example of the runaway Federal program frightened Americans talk about, I don't know what is.

What shocks me most is that this amendment would pour tens of millions more into it and President Clinton and the Democrats want to pour hundreds of millions more dollars into a program that has not, from 1990 to today, been able to spend all of the money it has been given. As a fiscal conservative, that stuns me. In 1990, ATP carried over $9.3 million of the $10 million it was given. Those carryovers have swollen year to year. Last year, ATP carried over $168 million. And now we want to give ATP $40 million more?

Ladies and gentlemen, when some politicians tell me we can't balance our Federal budget, I want to point to programs like ATP.

If we want to get our Federal spending under control, let's start here. If we have any regard at all for how hard our constituents work for their money, we can't throw $40 million more of their hard-won dollars away on this program. If we are serious about getting a bloated Federal budget under control, we will reject this amendment. Mr. Chairman, I yield back the remainder of my time.

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

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered by sections as an original bill for the purpose of amendment. Pursuant to the rule, each section is considered as having been read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has preprinted in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered as having been read.

The Clerk will designate section 1.

The text of section 1 is as follows:

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Institute of Standards and Technology Authorization Act of 1997''.

The CHAIRMAN. Are there any amendments to section 1?

The Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. AUTHORIZATION OF APPROPRIATIONS FOR SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES.

(a) LABORATORY ACTIVITIES.—There are authorized to be appropriated to the Secretary of Commerce for the Scientific and Technical Research and Services laboratory activities of the National Institute of Standards and Technology—

(1) $278,563,000 for fiscal year 1998, of which—

(A) $38,104,000 shall be for Electronics and Electrical Engineering;

(B) $18,925,000 shall be for Manufacturing Engineering;

(C) $31,791,000 shall be for Chemical Science and Technology;

(D) $30,372,000 shall be for Physics;

(E) $50,914,000 shall be for Material Science and Engineering;

(F) $13,404,000 shall be for Building and Fire Research;

(G) $47,073,000 shall be for Computer Science and Applied Mathematics;

(H) $19,376,000 shall be for Technical Assistance; and

(I) $28,604,000 shall be for Research Support; and

(2) $286,919,890 for fiscal year 1999, of which—

(A) $39,247,120 shall be for Electronics and Electrical Engineering;

(B) $19,492,750 shall be for Manufacturing Engineering;

(C) $32,744,730 shall be for Chemical Science and Technology;

(D) $31,283,160 shall be for Physics;

(E) $52,441,420 shall be for Material Science and Engineering;

(F) $13,806,120 shall be for Building and Fire Research;

(G) $48,485,190 shall be for Computer Science and Applied Mathematics;

(H) $19,957,280 shall be for Technical Assistance; and

(I) $29,462,120 shall be for Research Support.

(b) MALCOLM BALDRIGE NATIONAL QUALITY PROGRAM.—There are authorized to be appropriated to the Secretary of Commerce for the Malcolm Bladrige National Quality Program under section 17 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a)—

(1) $4,134,500 for fiscal year 1998; and

(2) $5,289,000 for fiscal year 1999.

(c) CONSTRUCTION AND MAINTENANCE.—(1) There are authorized to be appropriated to the Secretary of Commerce for construction and maintenance of facilities of the National Institute of Standards and Technology—

(A) $16,692,000 for fiscal year 1998; and

(B) $67,000,000 for fiscal year 1999.

(2) None of the funds authorized by paragraph (1)(B) for construction of facilities may be obligated unless the Secretary of Commerce has certified to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that the obligation of funds is consistent with a plan for meeting the facilities needs of the National Institute of Standards and Technology that the Secretary has transmitted to those committees.

The CHAIRMAN. Are there any amendments to section 2?

The Clerk will designate section 3.

The text of section 3 is as follows:

SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR THE OFFICE OF THE UNDER SECRETARY FOR TECHNOLOGY.

There are authorized to be appropriated to the Secretary of Commerce for the activities of the Under Secretary for Technology and the Office of Technology Policy—

(1) $7,000,000 for fiscal year 1998; and

(2) $7,205,000 for fiscal year 1999.

The CHAIRMAN. Are there any amendments to section 3?

The Clerk will designate section 4.

The text of section 4 is as follows:

SEC. 4. AUTHORIZATION OF APPROPRIATIONS FOR INDUSTRY TECHNOLOGY SERVICES.

There are authorized to be appropriated to the Secretary of Commerce for the Industrial Technology Services activities of the National Institute of Standards and Technology—

(1) $302,900,000 for fiscal year 1998, of which—

(A) $185,100,000 shall be for the Advanced Technology Program under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n); and

(B) $117,800,000 shall be for the Manufacturing Extension Partnerships program under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278l); and

(2) $261,300,000 for fiscal year 1999, of which—

(A) $150,000,000 shall be for the Advanced Technology Program under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n); and

(B) $111,300,000 shall be for the Manufacturing Extension Partnerships program under section 5 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278l).

Mr. SENSENBRENNER. Mr. Chairman, I ask unanimous consent that the remainder of the bill be printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

SEC. 5. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACT AMENDMENTS.

(a) AMENDMENTS.—Section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n) is amended—

(1) by striking ''or contracts'' in subsection (b)(1)(B), and inserting in lieu thereof ''contracts, and, subject to the last sentence of this subsection, other transactions'';

(2) by inserting ''and if the non-Federal participants in the joint venture agree to pay at least 60 percent of the total cost of the joint venture during the Federal participation period under this section, which shall not exceed 5 years,'' in subsection (b)(1)(B) after ''participation to be appropriate,'';

(3) by striking ''(ii) provision of a minority share of the cost of such joint ventures for up to 5 years, and (iii)'' in subsection (b)(1)(B), and inserting in lieu thereof ''and (ii)'';

(4) by striking ''and cooperative agreements'' in subsection (b)(2), and inserting in lieu thereof '', cooperative agreements, and, subject to the last sentence of this subsection, other transactions'';

(5) by striking '', provided that emphasis is'' in subsection (b)(2) and inserting in lieu thereof ''on the condition that grant recipients (other than small businesses within the meaning of the Small Business Act) provide at least 60 percent of the costs of the project, with emphasis'';

(6) by adding after subsection (b)(4) the following:

''The authority under paragraph (1)(B) and paragraph (2) to enter into other transactions shall apply only if the Secretary, acting through the Director, determines that standard contracts, grants, or cooperative agreements are not feasible or appropriate, and only when other transaction instruments incorporate terms and conditions that reflect the use of generally accepted commercial accounting and auditing practices.'';

(7) in subsection (d)(1), by inserting ''and be of a nature and scope that would not be pursued in a timely manner without Federal assistance'' after ''technical merit''; and

(8) by adding at the end the following new subsections:

''(k) Nothwithstanding subsection (b)(1)(B) and subsection (d)(3), the Director may grant extensions beyond the deadlines established under those provisions for joint venture and single applicant awardees to expend Federal funds to complete their projects, if such extension may be granted with no additional cost to the Federal Government and it is in the Federal Government's interest to do so.

''(l) The Secretary, acting through the Director, may vest title to tangible personal property in any recipient of financial assistance under this section if—

''(1) the property is purchased with funds provided under this section; and

''(2) the Secretary, acting through the Director, determines that the vesting of such property furthers the objectives of the Institute.

Vesting under this subsection shall be subject to such limitations as are prescribed by the Secretary, acting through the Director, and shall be made without further obligation to the United States Government.''.

(b) ADDITIONAL AMENDMENTS.—(1) Section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n) is further amended by striking the period at the end of the first sentence of subsection (d)(11)(A) and inserting in lieu thereof the following: ''or any other participant in a joint venture receiving financial assistance under this section, as agreed by the parties, notwithstanding the requirements of section 202 (a) and (b) of title 35, United States Code.''.

(2) The amendment made by this subsection shall be effective only with respect to assistance for which solicitations for proposals are made after the date of the enactment of this Act.

SEC. 6. MANUFACTURING EXTENSION PARTNERSHIP PROGRAM CENTER EXTENSION.

Section 25(c)(5) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(c)(5)) is amended by striking '', which are designed'' and all that follows through ''operation of a Center.'' and inserting in lieu thereof ''. After the sixth year, a Center may receive additional financial support under this section if it has received a positive evaluation through an independent review, under procedures established by the Institute. Such an independent review shall be required at least every two years after the sixth year of operation. Funding received for a fiscal year under this section after the sixth year of operation shall not exceed the proportion of the capital and annual operating and maintenance costs of the Center received by the Center during its sixth year of operation.''.

SEC. 7. MALCOLM BALDRIGE QUALITY AWARD.

Section 17(c)(3) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a(c)(3)) is amended by inserting '', unless the Secretary determines that a third award is merited and can be given at no addition cost to the Federal Government'' after ''in any year''.

SEC. 8. NEXT GENERATION INTERNET.

None of the funds authorized by this Act, or any other Act enacted before the date of the enactment of this Act, may be used for the Next Generation Internet. Notwithstanding the previous sentence, funds may be used for the continuation of programs and activities that were funded and carried out during fiscal year 1997.

SEC. 9. LIMITATIONS.

(a) PROHIBITION OF LOBBYING ACTIVITIES.—None of the funds authorized by this Act shall be available for any activity whose purpose is to influence legislation pending before the Congress, except that this subsection shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member or to Congress, through the proper channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

(b) LIMITATION ON APPROPRIATIONS.—No sums are authorized to be appropriated to the Director of the National Institute of Standards and Technology for fiscal years 1998 and 1999 for the activities for which sums are authorized by this Act, unless such sums are specifically authorized to be appropriated by this Act.

(c) ELIGIBILITY FOR AWARDS.—

(1) IN GENERAL.—The Director of the National Institute of Standards and Technology shall exclude from consideration for grant agreements made by the Institute after fiscal year 1997 any person who received funds, other than those described in paragraph (2), appropriated for a fiscal year after fiscal year 1997, under a grant agreement from any Federal funding source for a project that was not subjected to a competitive, merit-based award process. Any exclusion from consideration pursuant to this subsection shall be effective for a period of 5 years after the person receives such Federal funds.

(2) EXCEPTION.—Paragraph (1) shall not apply to the receipt of Federal funds by a person due to the membership of that person in a class specified by law for which assistance is awarded to members of the class according to a formula provided by law.

(3) DEFINITION.—For purposes of this subsection, the term ''grant agreement'' means a

legal instrument whose principal purpose is to transfer a thing of value to the recipient to carry out a public purpose of support or stimulation authorized by a law of the United States, and does not include the acquisition (by purchase, lease, or barter) of property or services for the direct benefit or use of the United States Government. Such term does not include cooperative agreement (as such term is used in section 6305 of title 31, United States Code) or a cooperative research and development agreement (as such term is defined in section 12(d)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1))).

SEC. 10. NOTICE.

(a) NOTICE OF REPROGRAMMING.—If any funds authorized by this Act are subject to a reprogramming action that requires notice to be provided to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall concurrently be provided to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(b) NOTICE OF REORGANIZATION.—The Secretary of Commerce shall provide notice to the Committees on Science and Appropriations of the House of Representatives, and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, not later than 15 days before any major reorganization of any program, project, or activity of the National Institute of Standards and Technology.

SEC. 11. SENSE OF CONGRESS ON THE YEAR 2000 PROBLEM.

With the year 2000 fast approaching, it is the sense of Congress that the National Institute of Standards and Technology should—

(1) give high priority to correcting all 2-digit date-related problems in its computer systems to ensure that those systems continue to operate effectively in the year 2000 and beyond;

(2) assess immediately the extent of the risk to the operations of the Institute posed by the problems referred to in paragraph (1), and plan and budget for achieving Year 2000 compliance for all of its mission-critical systems; and

(3) develop contingency plans for those systems that the Institute is unable to correct in time.

SEC. 12. BUY AMERICAN.

(a) COMPLIANCE WITH BUY AMERICAN ACT.—No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the ''Buy American Act'').

(b) SENSE OF CONGRESS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(c) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of Commerce shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

The CHAIRMAN. Are there any amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute.

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

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose, and the Speaker pro tempore [Mr. DREIER] having assumed the chair, Mr. DUNCAN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1274) to authorize appropriations for the National Institute of Standards and Technology for fiscal years 1998 and 1999, and for other purposes, pursuant to House Resolution 127, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

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

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

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

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT OF 1997

The SPEAKER pro tempore. Pursuant to House Resolution 126 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for consideration of the bill, H.R. 1273.

□ 1122

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1273) to authorize appropriations for fiscal years 1998 and 1999 for the National Science Foundation, and for other purposes, with Mr. DUNCAN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Wisconsin [Mr. SENSENBRENNER] and the gentleman from California [Mr. BROWN], each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. SENSENBRENNER].

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

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

I rise in support of H.R. 1273, the National Science Foundation Act of 1997. It is particularly appropriate that the House consider this legislation at this time because this week is National Science and Technology Week. This House can be proud of the work of the Members on both sides of the aisle in developing the blueprint of the 105th Congress for strong support of research, development, and science education.

The National Science Foundation provides funding to over 19,000 research and education projects in science and engineering annually. It does this through grants and cooperative agreements to more than 2,000 colleges, universities, K–12 schools, businesses and other research institutions in all parts of the United States. The foundation accounts for about 25 percent of Federal support to academic institutions for basic research.

This 2-year authorization improves our investment in America by strengthening our commitment to the National Science Foundation. The bill authorizes approximately $3.5 billion for fiscal year 1998. The bipartisan support for this bill demonstrates the committee's belief that the support of basic research will provide America with the lead role for science in the future. It is through basic research that we will make the fundamental discoveries that will become the economic drivers in the 21st century.

H.R. 1273 provides for $2.56 billion, or a 5.4-percent increase over fiscal year 1997, in the research and related activities account. In fiscal year 1999, the bill then further increases the RR&A account to $2.74 billion, a 7-percent increase over fiscal year 1998. The research and related activities account is NSF's primary account. It provides the resources that allow the United States to uphold world leadership in a variety of science and engineering activities.

This legislation follows through on the committee's commitment to improve math and science education. In the Education and Human Resources Directorate, the bill incorporates the President's request of $625 million, a 1.1-percent increase over fiscal year 1998, and then provides 3 percent growth in this program to over $644 million in fiscal year 1999.

The major research equipment account completes funding for the construction of the Laser Interferometer Gravitational Wave Observatory Program, LIGO, for short. This account provides funds for two new programs: the Millimeter Array Radio Telescope and the Polar Cap Observatory. The MMA will be the world's most sensitive, highest resolution millimeter-wavelength telescope and will provide a testing ground for theories of star birth, galaxy formation and the evolution of the universe. The Polar Cap Observatory will provide new measurement capabilities for studying and monitoring space weather, the conditions in space environment that can influence the performance of satellites, affect power grids and disrupt telecommunications.

In addition, the bill provides for the one time, full authorization of the Antarctic Rehabilitation Program. As the distinguished chairman of the NSF's External Review Panel on Antarctic Programs, Norm Augustine, testified before our committee:

> It's our belief we would not send a ship to sea or a spacecraft to orbit in the condition of the facilities that we have at the pole.

I am proud to say this legislation fully authorizes the resources necessary to rebuild the facilities in Antarctica and protect the health and safety of our scientists as well as the very fragile Antarctic environment.

In our drive to hold down expenses, the salaries and expense account of NSF has been held to approximately 2-percent growth in fiscal years 1998 and 1999. The committee commends NSF for their low overhead rate and expects them to continue to maximize efficiency and productivity.

Finally, the Office of the Inspector General is funded at the President's request for fiscal year 1998 and provided a 3-percent growth in fiscal year 1999.

I wish to express my appreciation to the chairman of the Basic Research Subcommittee, the gentleman from New Mexico [Mr. SCHIFF], the ranking minority member of the subcommittee, the gentleman from Michigan [Mr. BARCIA], and the gentleman from California [Mr. BROWN], ranking minority members of the full committee, for their efforts and support in crafting a bipartisan bill that received overwhelming support in the Committee on Science. I believe that this is an outstanding bill and urge Members to support H.R. 1273.

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

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

Mr. Chairman, I rise in support of the National Science Foundation authorization bill, House Resolution 1273, which was developed in a bipartisan manner by the Committee on Science. House Resolution 1273 signals the strong bipartisan support for the key role of the NSF in developing and sustaining the academic research enterprise of this Nation. NSF is the only Federal agency with the sole mission to support basic science and engineering research as well as education in our Nation's schools, colleges and universities. NSF programs support research in science and engineering, the operation of national research facilities, and science education at all levels of instruction. Such wide-ranging activities underpin the technological strength of our Nation through both the generation of new knowledge and the continued education of our scientists and engineers.

In light of NSF's important role, I am pleased that House Resolution 1273 provides real growth for those NSF research activities which support individual investigators and interdisciplinary research teams.

□ 1130

The authorization level increases in each year of the bill are above what is needed to offset inflation and, therefore, will allow NSF to pursue new initiatives in such areas as distributive intelligence and life in extreme environments, while sustaining core research activities in the major science and engineering disciplines. The research investments made by NSF generate the new knowledge that fuels our Nation's technological innovation and ultimately dictates our future economic strength.

Mr. Chairman, I would like to describe some recent examples that show the breadth and potential technological value resulting from NSF-sponsored research.

Materials scientists at Cornell University, for example, have investigated the characteristics of silk fiber spun by the golden orb weaving spider, which are stronger than steel and more elastic than Kevlar. In fact, through the tools of biotechnology, it is now possible to manufacture designer materials by producing genes which can express large amounts of this super strength material. The practical applications for such technologies are simply enormous.

Power plants emit high levels of nitrogen oxides, which are health hazards and cannot be completely eliminated by using current catalysts. Researchers at Penn State University discovered a family of novel rare-earth catalysts which can remediate nitrous oxide in flue gas and thereby enable the design of a new process which support environmentally safe power plants.

At the University of Michigan the Center for Ultrafast Optical Science is working with ultrashort laser pulses in developing important applications to ophthalmology. Ultrashort laser pulses are composed of only a few optical cycles in light, and their duration is measured in femtoseconds. One femtosecond is one millionth of one billionth of a second. Ablation of material with femtosecond pulses is extremely clean in contrast to ablation performed by traditional lasers with a pulse duration 1,000 times longer. As very fine and accurate surgical cuts can be made without any collateral damage using ultrafast lasers, these devices are the perfect scalpel.

In addition to supporting basic research, NSF programs help educate the next generation of scientists, engineers and technicians as well as improve science education for all of our K–12 students. Such outcomes are realized through a wide range of NSF activities, including graduate student support, research experience for undergraduates, development of curricular materials for science courses at all levels of instruction, development of educational applications of computer and communications technologies, and in-service training for K–12 teachers.

I would particularly like to mention the NSF Advanced Technology Education Program, which is targeted for 2-year institutions. The program supports curriculum faculty development to improve the training of technicians critical to the high performance workplace. The ATE Program attains its goals through partnerships among 2-year institutions, universities, business, and industry.

House Resolution 1273 supports the President's request for the education and human resources activities of NSF and provides sufficient growth in a second year to offset the effects of inflation. The bill will sustain existing programs while the basic research subcommittee reviews the impact of education programs during this Congress.

Finally, the bill accepts the recommendation of the distinguished panel assembled by NSF to review the facilities necessary for the U.S. Antarctic program, which has also been very eloquently and comprehensively explained by our outstanding chairman, the gentleman from Wisconsin [Mr. SENSENBRENNER], and authorization also is provided to allow for replacement, as the chairman explained, of the South Pole Station and for needed upgrades at other Antarctic stations.

The value of research programs and the importance of the U.S. presence in Antarctica has been expressed by the administration and outside witnesses at committee hearings over the past 2 years. This bill will ensure that U.S. facilities in Antarctica are capable of supporting the most advanced research and will provide adequate safety for the scientists and support staff who must function in this very hostile environment.

I want to thank the gentleman from New Mexico [Mr. SCHIFF], the chairman of the Subcommittee on Basic Research, for his efforts to develop House Resolution 1273 in a great spirit of cooperation, and also especially commend the gentleman from Wisconsin [Mr. SENSENBRENNER], the chair of the Committee on Science, as well as the gentleman from California [Mr. BROWN], an outstanding ranking Democratic member, for their leadership in moving the bill through the committee and to the floor.

Mr. Chairman, I fully support H.R. 1273 and urge its approval by the House.

Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. BROWN], the distinguished former chairman of the Committee on Science in the House of Representatives.

Mr. BROWN of California. Mr. Chairman, I thank the ranking member very much for yielding me this time, and I also want to commend him for the excellent work he is doing in his initial efforts as a ranking member of this very important subcommittee. I know that he will continue to do an excellent job in that regard.

It is hardly necessary to speak in support of the National Science Foundation, since it has long enjoyed bipartisan support and continued budgetary growth. Not always as much as I would like, but in this particular bill and under these circumstances, I think that the budgetary growth which has been set forth by the chairman of the full committee represents a very reasonable program, and I am happy to commend him for that.

I will not belabor all of the good points that I could make about the NSF, but I do want to say something about a very small line item which is in the bill that has not been in there before, and that is a provision providing for authorization of about a million dollars for international science cooperation through the funding of the United States-Mexico Foundation for Science.

This foundation contributes to the scientific and technological strength of each country through fostering research and human resource development, and promoting collaborative solutions to common problems.

Since this foundation was established in 1992, the United States-Mexico Foundation has established a proven track record of supporting high quality international research. The additional funding authorized by this bill, which will be matched by Mexico, will enable the foundation to expand its activities from its current very small base and will thereby further advance United States-Mexican scientific and technological cooperation.

We hope other U.S. agencies will likewise be able to support some of this binational research in areas that is focused on their individual missions, and we are looking forward to gradually building up a substantial base of funding for this very important binational research.

I should mention here that I had the opportunity and the pleasure to visit with the leadership of the Mexican Government and Mexican scientific establishment just a few weeks ago to discuss the progress of the binational foundation, and I found uniform support at every level, from the president, through his science adviser, through the Secretary of State, and many other agencies, and all of the leading scientific institutions in Mexico, who wanted to continue this program and have it reach a reasonable level over the next several years, and we look forward to working with them in achieving this.

I also want to conclude by not extolling again the chairman of the full committee and the chairman of the subcommittee, the gentleman from New Mexico [Mr. SCHIFF], but to include by reference the laudatory remarks I made previously about the gentleman from Wisconsin [Mr. SENSENBRENNER]. It would be rather repetitious to say that on each one of these bills. But he has done a great job and we look forward to continued cooperative relationships with him.

Mr. Chairman, I urge every Member to support this excellent bill.

Mr. BARCIA. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Chairman, I thank the gentleman for yielding the time.

Anyone who followed the debate over these matters in the last Congress knows that this House took a very short detour from our traditional and long-term path of bipartisan support for research and development and particularly for the work of the National Science Foundation. It was a path that the New York Times said would actually cripple American science.

Fortunately, we have a new day and we are now back on the path of a bipartisan commitment to research and development. While we have a few differences over certain specifics of this bill and of other legislation that is being considered today, on the whole, we have agreement; and it is a testament to the work of the gentleman from Wisconsin [Mr. SENSENBRENNER] to the gentleman from California [Mr. BROWN], to the gentleman from Michigan [Mr. BARCIA], and to the gentleman from New Mexico [Mr. SCHIFF], their leadership, that we have come together once again to pursue support for science and for research and development from the Federal level.

This National Science Foundation bill represents a slight increase over what we did in the Congress last year and over what President Clinton has requested. It would appear that we have found some consensus on just how vital funding for scientific research is, its importance in fostering scientific discovery and jobs that that discovery will produce.

Our worldwide leadership in science and technology is a source of great pride and satisfaction for millions of Americans but, more importantly, it is a source of future jobs for millions of our young Americans who will be entering the job market in future years.

Now we can talk about ways that this Congress can improve the lives of Americans; and there is little that we cannot accomplish through realistic investments in science and technology to produce those high-skill, high-wage, high-tech jobs in the future.

The area that I represent in and around Austin, TX is a good example. The investment made through the National Science Foundation through related programs of Federal investment in research and technology has provided the engine for economic growth, has attracted considerable private investment, and has provided us the kind of economic problems that the rest of the country would like to have, that being that we need, we have a shortage actually of many individuals in the high-skilled area to fill jobs that are being created each month by our high-tech industries.

Clearly, our Nation is in a fight on the economic front around the world; and if we are to remain competitive and if we are to be able to produce the kind of jobs that we need for our population, it will be through the kind of investment that we are making today in this National Science Foundation bill and in other bills to place America first when it comes to research, when it comes to science and technology.

Mr. SENSENBRENNER. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Texas [Mr. SESSIONS].

Mr. SESSIONS. Mr. Chairman, it is with great encouragement that I stand up today to rise to commend the chairman of the House Committee on Science for working very diligently on the bill H.R. 1273. I stand today as a proud member and a supporter of the committee as an advocate for research and development on the types of things that will make a real impact and make a difference in our country.

This bill corrects years of neglect and promotes the most fiscally responsible part of our Federal budget. Research and development provides exponential returns to the taxpayer and enables our country to continue its long history of pressing the envelope of math, science, and technology.

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As a freshman Member I was very encouraged by the hearings on this bill and others that were reported out by our Committee on Science last week. Throughout the hearings, there was a bipartisan support, not only that we have heard today from other Democrat Members of Congress, but also those on the committee who feel that if we have a competitive grant process and united feelings against specific earmarks of funds, we can make better progress. I believe both of these efforts have led to a bill that is proeconomic growth and for fiscal responsibility.

I also believe that this bill actively attacks one of the most serious problems with America in education today. According to the third international mathematics and science study, eighth grade math and science students in the United States are considerably average when compared to students in developing countries. Average students are not going to keep the United States of America ahead of our foreign competitors and other competitors around the globe. As a nation, it is imperative that we encourage students, teachers, and administrators to focus their efforts on basic math and science skills. By providing competitive incentives, we have signaled our commitment to encourage these important skills and opportunities.

Finally, our focus on competitive grants highlights a unique American way that we can solve our problems. Incentives and encouragement lead to productive answers and innovative solutions. This method is in direct conflict with many of the reforms circulating around Washington today. It seems that some of my colleagues think a Federal mandate can solve everything, but I think that really we have the answer when we talk about regulations and mandates that are put on people. I believe that a Federal mandate has never educated a student, inspired a scientist or invented the next generation in technology. However, the human desire to succeed has brought America more innovative ideas and scholastic achievements than a room of bureaucrats can think of in a lifetime.

I think what we need to do is to support H.R. 1273, and I rise in support of that and wish to thank the gentleman from Wisconsin [Mr. SENSENBRENNER], the chairman, for not only his leadership but help in this process.

Mr. BARCIA. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. CAPPS].

Mr. CAPPS. Mr. Chairman, I rise also in favor of this bill to reauthorize the National Science Foundation. As a new Member of the Congress, I must say that the bipartisan cooperation that has brought forward this legislation has been an example for the rest of the House to follow. I want to commend and thank the gentlewoman from Maryland [Mrs. MORELLA], chairman; the gentleman from Tennessee [Mr. Gordon], ranking member; the gentleman from Wisconsin [Mr. SENSENBRENNER], chairman; and my esteemed colleague, the gentleman from California [Mr. BROWN] for their outstanding work on this legislation.

The bill before us today provides a healthy and worthy increase for the National Science Foundation. While I support the research community's call earlier this year for a 7-percent increase in science research and development, I am encouraged by the funding levels that this bill contains in these tight budgetary times.

I have spent my professional life prior to coming here engaged in teaching and research, so I have a sincere appreciation for the critical role of research and education in our society. The National Science Foundation's mission to sponsor research and encourage new thinking and education is a critical element for our economic growth as we move into the 21st century. Much is said today about the need to educate our children for our increasingly competitive economic environment. I agree with this viewpoint.

However, I also believe that education inspires individual and personal growth which inevitably leads to a more civilized and prosperous society. This is also what NSF programs achieve. The bill is evidence of the support that NSF has in the House and throughout the country. I urge my colleagues to support this legislation.

Mr. BARCIA. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Michigan [Ms. STABENOW].

Ms. STABENOW. Mr. Chairman, I will take just a moment to rise to commend both the chair of the committee and the ranking member of the committee as well as the ranking member of our subcommittee dealing with the National Science Foundation for the excellent work and the bipartisanship that has come from the Committee on Science this year. As a first-term Member, I am very pleased to be a part of a committee that is focused and committed to investing in scientific research and development, technology development, environmental research, and efforts through the National Science Foundation. Very important efforts are taking place on behalf of this country that are critical to our economic competitiveness in the future.

We no longer as a country are looking at competition, business to business or State to State. It is definitely country to country. Our ability to maintain our economic advantage is only as strong as our willingness to invest in basic research and the development of technology in partnership with business. I am extremely pleased that the NIST budget has passed and that the advanced technology program and other important partnership efforts have been included this year that are critical. The National Science Foundation has a very important base that has been adopted by this committee. I would like to again commend our leadership on both sides of the aisle for a strong vision and commitment, and I am hopeful that we will be successful in maintaining this throughout the process.

Ms. HOOLEY of Oregon. Thank you Mr. Chairman.

For almost 50 years, the National Science Foundation has worked to expand the core of knowledge that has broadened our horizons in almost every field of science, engineering, and mathematics. We may not always see such direct applications of most of the research, but advancements in understanding of our planet, the composition of life, and the elements of technologies enrich our lives.

Equally important in the mission of the NSF is its dedication to integrating education into its activities. Obviously, future scientific successes hinge on society's ability to train students to understand the fundamentals of current knowledge.

In conducting research, undergraduate and graduate students must have adequate opportunities to learn from direct experience. And precollege students should not be left out of the picture. I can tell you as a former educator—and I know that many of my colleagues will agree—that if our students do to learn the basics of science in their youth, we will be hard pressed to find interested and prepared students at the higher levels.

We must also remember that scientific education extends beyond the immediate research community. If our Nation's populace does not understand the issues facing our national science policies, they cannot make informed decisions that affect those policies.

I understood the rationale for keeping the education and human resources accounts in check, and I look forward to further inquiries by this body into the successes of the programs in this category. However, pending such a review, I think that we should further expand our educational programs within the NSF and other agencies.

We have an obligation to do as much as possible to support education, and in particular, the improvement of our students' math and science skills. I urge my colleagues to vote for this legislation.

Thank you, Mr. Chairman. I yield back the balance of my time.

Mr. SCHIFF. Mr. Chairman, I rise in support of H.R. 1273, The National Science Foundation Act of 1997. I am proud to have introduced this legislation.

This 2-year authorization provides real growth to the National Science Foundation. To briefly summarize its provisions:

The President's fiscal year 1998 request for NSF is $3.367 billion, a 3-percent increase over the fiscal year 1997 appropriation levels. This bill authorizes over $3.505 billion for fiscal year 1998, a 7.2-percent increase over fiscal year 1997.

Within the individual appropriations accounts, the bill authorizes $2.563 billion, or a 5.4-percent increase over fiscal year 1997, in the Research and Related Activities [R&RA] account. In fiscal year 1999, the bill increases the R&RA account to $2.740 billion, a 7-percent increase over fiscal year 1998.

In the Education and Human Resources Directorate, this bill incorporates the President's request of $625.5 million, a 1.1-percent increase over fiscal year 1998, and then provides for 3-percent growth in this program to over $644 million in fiscal year 1999.

The major research equipment account completes funding for the Laser Interferometer Gravitational Wave Observatory [LIGO] program. This account provides funds for two new programs: the Polar Cap Observatory and the Millimeter Array radio telescope. In addition, this bill provides $115 million for the one time, full authorization, of the Antarctic rehabilitation program.

The salaries and expense account has been held to approximately 2-percent annual growth in fiscal year 1998 and fiscal year 1999. The committee commends NSF for their low overhead rate and expects them to continue to maximize efficiency and productivity.

The office of the inspector general is funded at the President's request for fiscal year 1998 and provided 3-percent growth in fiscal year 1999.

I urge my colleagues to support this legislation.

Before closing, I would like to remind my colleagues that this week is National Science and Technology Week. National Science and Technology Week is an informal and public education outreach program of the National Science Foundation, dedicated to expanding the participation by all Americans in the fields of science, technology, and engineering. Since its inception in 1985, National Science and Technology Week has gradually expanded in scope and impact, involving millions of Americans in national and local events.

National Science and Technology Week is celebrated across the country, providing special opportunities in communities throughout the Nation to notice the major impact and importance that science and technology have on all aspects of daily life. The National Science Foundation presents this full week of informal science and engineering activities annually in April. This year's celebration, April 20–26, 1997, has the them of ''Webs, Wires & Waves: The Science and Technology of Communication.'' This them recognizes the priceless impact that communications has had in shrinking the world and bringing people worldwide closer together. It allows individuals to take the opportunity to explore questions about communications, both those of nature as well as technology.

The National Science Foundation attempts to reach its audience through various resources, especially the National Science and Technology Week Regional Network in 46 sites across the country, including a site in

New Mexico. The Space Center in Alamogordo, NM is very instrumental in providing training workshops for teachers and planning interactive, hands-on science events. These sites are resourceful in assisting in the distribution of education materials, which are issued annually, both in English and Spanish. These packets assist both formal and informal educators and parents in engaging children in innovative, hands-on learning activities geared to science, mathematics, and technology.

Many of the activities this year will present new opportunities to engage the curiosity of ordinary people everywhere, affected daily by new capabilities unfathomed even a generation ago. During National and Technology Week, the National Science Foundation will again offer its ''Ask a Scientist or Engineer'' over the Internet. Now in its third consecutive year, online access has been a popular and worthwhile tool, engaging the public's curiosity to explore and question the mysteries of science and technology. Online access will be available throughout the week at asknstw@nsf.gov.

I encourage the House and Senate to strongly support this outreach program, recognizing the importance of involving all people in the awareness that science, engineering, and technology are important in our lives today and crucial to our progress tomorrow. I hope you will join me in celebrating National Science and Technology Week.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I rise in strong support of the reauthorization of the National Science Foundation. In the years since its creation, the NSF has provided funding for research that has led to technological innovations which have improved the lives of millions of people in this country and around the world.

Many of our country's economists agree that technological innovation is responsible for between 30 and 50 percent of the United States' economic growth in the last 100 years. This has meant hundreds of thousands of jobs in every State of the Union.

Without the NSF, there would be no Internet as we know it today. As many of you know, the Defense Department first created the Defense Advanced Research Projects Agency [DARPA]—creating a link of defense computers around the world. In 1981, NSF created the first nondefense computer network, called CSNET, at the request of our country's universities that did not have access to DARPA. In 1987 NSF further expanded into the world with NSFnet.

Ten years later NSFnet has grown into the Internet—the latest frontier in our country's development. The uses for the Internet are still being developed. We already know it is a great research tool for our students, it is fast becoming a great place of economic activity, and the future may hold things we can't even think of.

In Massachusetts and across the country the Internet is also becoming a way to bring people together to support their schools. Twice in the last year volunteers from industry, labor, government, schools and parents, have given up time on their weekends to work on MassNetworks. It is an effort to wire every school in the Commonwealth for computer networks and the Internet. It has been a great success—and I would like to thank all those volunteers.

NSF no longer provides the backbone of the Internet. So, it has now turned its formidable energies to developing the next generation of computer networks and supercomputers.

I am also a strong supporter of the Research Experiences for Undergraduates. This program provides funding for undergraduates to be hired by research professors. I have met students in this program, and all of them sing its praises. There are a number of students at the Massachusetts Institute of Technology, which is in my district, who have benefited from this program.

MIT has furthered this idea with its own called the Undergraduate Research Opportunities Program. This program is very similar except that the researcher does not need to apply for a grant to hire undergraduates—instead they can use their existing research funds for that purpose.

Too often close working relationships with research professors are reserved for graduate students. This program recognizes that most undergraduates don't go to graduate school. This early interaction is vital to these kids' education. Their experiences will turn these kids into the great minds of the next century.

The NSF continues to expand the opportunities of all Americans and I urge my colleagues to support its reauthorization.

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

Mr. SENSENBRENNER. Mr. Chairman, I also have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered under the 5-minute rule by titles and each title shall be considered read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will report section 1.

The Clerk read as follows:

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Science Foundation Authorization Act of 1997''.

Mr. SENSENBRENNER (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

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

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term ''Director'' means the Director of the Foundation;

(2) the term ''Foundation'' means the National Science Foundation;

(3) the term ''institution of higher education'' has the meaning given such term in section 1201(a) of the Higher Education Act of 1965;

(4) the term ''national research facility'' means a research facility funded by the Foundation which is available, subject to appropriate policies allocating access, for use by all scientists and engineers affiliated with research institutions located in the United States; and

(5) the term ''United States'' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

TITLE I—NATIONAL SCIENCE FOUNDATION AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) FINDINGS.—The Congress finds that—

(1) the programs of the Foundation are important for the Nation to strengthen basic research and develop human resources in science and engineering, and that those programs should be funded at an adequate level;

(2) the primary mission of the Foundation continues to be the support of basic scientific research and science education and the support of research fundamental to the engineering process and engineering education; and

(3) the Foundation's efforts to contribute to the economic competitiveness of the United States should be in accord with that primary mission.

(b) FISCAL YEAR 1998.—There are authorized to be appropriated to the Foundation $3,505,630,000 for fiscal year 1998, which shall be available for the following categories:

(1) Research and Related Activities, $2,563,330,000, of which—

(A) $330,820,000 shall be for Biological Sciences;

(B) $289,170,000 shall be for Computer and Information Science and Engineering;

(C) $360,470,000 shall be for Engineering;

(D) $452,610,000 shall be for Geosciences;

(E) $715,710,000 shall be for Mathematical and Physical Sciences;

(F) $130,660,000 shall be for Social, Behavioral, and Economic Sciences, including $1,000,000 for the United States-Mexico Foundation for Science;

(G) $165,930,000 shall be for United States Polar Research Programs;

(H) $62,600,000 shall be for United States Antarctic Logistical Support Activities; and

(I) $2,730,000 shall be for the Critical Technologies Institute.

(2) Education and Human Resources Activities, $625,500,000.

(3) Major Research Equipment, $175,000,000.

(4) Salaries and Expenses, $136,950,000, of which $5,200,000 shall be for Headquarters Relocation.

(5) Office of Inspector General, $4,850,000.

(c) FISCAL YEAR 1999.—There are authorized to be appropriated to the Foundation $3,613,630,000 for fiscal year 1999, which shall be available for the following categories:

(1) Research and Related Activities, $2,740,000,000, including $1,000,000 for the United States-Mexico Foundation for Science.

(2) Education and Human Resources Activities, $644,245,000.

(3) Major Research Equipment, $90,000,000, of which no funds are authorized for the Large Hadron Collider project at the European Organization for Nuclear Research (CERN) unless the Director, in consultation with the Secretary of Energy, has transmitted to the Committee on Science of the House of Representatives and the Committees on Labor and Human Resources and Commerce, Science, and Transportation of the Senate a report on the impacts of such funding on the operations and viability of United States high energy and nuclear physics facilities.

(4) Salaries and Expenses, $134,385,000.

(5) Office of Inspector General, $5,000,000.

SEC. 102. PROPORTIONAL REDUCTION OF RESEARCH AND RELATED ACTIVITIES AMOUNTS.

If the amount appropriated pursuant to section 101 (b)(1) or (c)(1) is less than the amount

authorized under that paragraph, the amount available for each scientific directorate under that paragraph shall be reduced by the same proportion.

SEC. 103. CONSULTATION AND REPRESENTATION EXPENSES.

From appropriations made under authorizations provided in this Act, not more than $10,000 may be used in each fiscal year for official consultation, representation, or other extraordinary expenses at the discretion of the Director. The determination of the Director shall be final and conclusive upon the accounting officers of the Government.

TITLE II—GENERAL PROVISIONS

SEC. 201. NATIONAL RESEARCH FACILITIES.

(a) FACILITIES PLAN.—The Director shall provide to Congress, not later than December 1 of each year, a plan for the proposed construction of, and repair and upgrades to, national research facilities. The plan shall include estimates of the cost for such construction, repairs, and upgrades, and estimates of the cost for the operation and maintenance of existing and proposed new facilities. For proposed new construction and for major upgrades to existing facilities, the plan shall include funding profiles by fiscal year and milestones for major phases of the construction. The plan shall include cost estimates in the categories of construction, repair, and upgrades for the year in which the plan is submitted to Congress and for not fewer than the succeeding 4 years.

(b) STATUS OF FACILITIES UNDER CONSTRUCTION.—The plan required under subsection (a) shall include a status report for each uncompleted construction project included in the current and previous plans. The status report shall include data on cumulative construction costs by project compared with estimated costs, and shall compare the current and original schedules for achievement of milestones for major phases of the construction.

(c) LIMITATION ON OBLIGATION OF UNAUTHORIZED APPROPRIATIONS.—No funds appropriated for any project which involves construction of new national research facilities or construction necessary for upgrading the capabilities of existing national research facilities shall be obligated unless the funds are specifically authorized for such purpose by this Act or any other Act which is not an appropriations Act, or unless the total estimated cost to the Foundation of the construction project is less than $50,000,000. This subsection shall not apply to construction projects approved by the National Science Board prior to June 30, 1997.

SEC. 202. ADMINISTRATIVE AMENDMENTS.

(a) NATIONAL SCIENCE FOUNDATION ACT OF 1950 AMENDMENTS.—The National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.) is amended—

(1) in section 4 (42 U.S.C. 1863)—

(A) by striking ''the appropriate rate provided for individuals in grade GS–18 of the General Schedule under section 5332'' in subsection (g) and inserting in lieu thereof ''the maximum rate payable under section 5376''; and

(B) by redesignating the subsection (k) that was added by section 108 of the National Science Foundation Authorization Act of 1988 as subsection (l);

(2) in section 5(e) (42 U.S.C. 1864(e)) by amending paragraph (2) to read as follows:

''(2) Any delegation of authority or imposition of conditions under paragraph (1) shall be promptly published in the Federal Register and reported to the Committees on Labor and Human Resources and Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives.'';

(3) in section 14(c) (42 U.S.C. 1873(c))—

(A) by inserting ''be entitled to'' between ''shall'' and ''receive'';

(B) by inserting '', including traveltime,'' after ''Foundation'';

(C) by striking ''the rate specified for the daily rate for GS–18 of the General Schedule under section 5332'' and inserting in lieu thereof ''the maximum rate payable under section 5376''; and

(D) by adding at the end the following new sentence: ''Members of the Board and special commissions may waive compensation and reimbursement for travel expenses.''; and

(4) by striking ''Atomic Energy Commission'' in section 15(a) (42 U.S.C. 1874(a)) and inserting in lieu thereof ''Secretary of Energy''.

(b) NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT, 1976 AMENDMENTS.—Section 6(a) of the National Science Foundation Authorization Act, 1976 (42 U.S.C. 1881a(a)) is amended by striking ''social,'' the first place it appears.

(c) NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT OF 1988 AMENDMENTS.—(1) Section 117(a)(1)(B)(v) of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1881b(1)(B)(v)) is amended to read as follows:

''(v) from schools established outside the several States and the District of Columbia by any agency of the Federal Government for dependents of its employees.''.

(2) Section 117(a)(3)(A) of such Act (42 U.S.C. 1881b(3)(A)) is amended by striking ''Science and Engineering Education'' and inserting in lieu thereof ''Education and Human Resources''.

(d) SCIENCE AND ENGINEERING EQUAL OPPORTUNITIES ACT AMENDMENTS.—The Science and Engineering Equal Opportunities Act is amended—

(1) in section 34 (42 U.S.C. 1885b)—

(A) by amending the section heading to read as follows: ''PARTICIPATION IN SCIENCE AND ENGINEERING OF MINORITIES AND PERSONS WITH DISABILITIES''; and

(B) by amending subsection (b) to read as follows:

''(b) The Foundation is authorized to undertake or support programs and activities to encourage the participation of persons with disabilities in the science and engineering professions.''; and

(2) in section 36 (42 U.S.C. 1885c)—

(A) by striking ''minorities,'' and all that follows through ''in scientific'' in subsection (a) and inserting in lieu thereof ''minorities, and persons with disabilities in scientific'';

(B) in subsection (b)—

(i) by striking ''with the concurrence of the National Science Board''; and

(ii) by amending the second sentence thereof to read as follows: ''In addition, the Chairman of the National Science Board may designate a member of the Board as a member of the Committee.'';

(C) by striking subsections (c) and (d);

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

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

''(c) The Committee shall be responsible for reviewing and evaluating all Foundation matters relating to participation in, opportunities for, and advancement in education, training, and research in science and engineering of women, minorities, and persons with disabilities.''; and

(F) in subsection (d), as so redesignated by subparagraph (D) of this paragraph, by striking ''additional''.

(e) TECHNICAL AMENDMENT.—The second subsection (g) of section 3 of the National Science Foundation Act of 1950 is repealed.

SEC. 203. INDIRECT COSTS.

(a) MATCHING FUNDS.—Matching funds required pursuant to section 204(a)(2)(C) of the Academic Research Facilities Modernization Act of 1988 (42 U.S.C. 1862c(a)(2)(C)) shall not be considered facilities costs for purposes of determining indirect cost rates.

(b) REPORT.—The Director of the Office of Science and Technology Policy, in consultation with other relevant agencies, shall prepare a report analyzing what steps would be needed to—

(1) reduce by 10 percent the proportion of Federal assistance to institutions of higher education that are allocated for indirect costs; and

(2) reduce the variance among indirect cost rates of different institutions of higher education, including an evaluation of the relative benefits and burdens of each option on institutions of higher education. Such report shall be transmitted to the Congress no later than December 31, 1997.

SEC. 204. FINANCIAL DISCLOSURE.

Persons temporarily employed by or at the Foundation shall be subject to the same financial disclosure requirements and related sanctions under the Ethics in Government Act of 1978 as are permanent employees of the Foundation in equivalent positions.

SEC. 205. EDUCATIONAL LEAVE OF ABSENCE FOR ACTIVE DUTY.

In order to be eligible to receive funds from the Foundation after September 30, 1997, an institution of higher education must provide that whenever any student of the institution who is a member of the National Guard, or other reserve component of the Armed Forces of the United States, is called or ordered to active duty, other than active duty for training, the institution shall grant the member a military leave of absence from their education. Persons on military leave of absence from their institution shall be entitled, upon release from military duty, to be restored to the educational status they had attained prior to their being ordered to military duty without loss of academic credits earned, scholarships or grants awarded, or tuition and other fees paid prior to the commencement of the military duty. It shall be the duty of the institution to refund tuition or fees paid or to credit the tuition and fees to the next semester or term after the termination of the educational military leave of absence at the option of the student.

SEC. 206. SCIENCE AND TECHNOLOGY POLICY INSTITUTE.

(a) AMENDMENT.—Section 822 of the National Defense Authorization Act for Fiscal Year 1991 (42 U.S.C. 6686) is amended—

(1) by striking ''Critical Technologies Institute'' in the section heading and in subsection (a), and inserting in lieu thereof ''Science and Technology Policy Institute'';

(2) in subsection (b) by striking ''As determined by the chairman of the committee referred to in subsection (c), the'' and inserting in lieu thereof ''The'';

(3) by striking subsection (c), and redesignating subsections (d), (e), (f), and (g) as subsections (c), (d), (e), and (f), respectively;

(4) in subsection (c), as so redesignated by paragraph (3) of this subsection—

(A) by inserting ''science and'' after ''developments and trends in'' in paragraph (1);

(B) by striking ''with particular emphasis'' in paragraph (1) and all that follows through the end of such paragraph and inserting in lieu thereof ''and developing and maintaining relevant informational and analytical tools.'';

(C) by striking ''to determine'' and all that follows through ''technology policies'' in paragraph (2) and inserting in lieu thereof ''with particular attention to the scope and content of the Federal science and technology research and develop portfolio as it affects interagency and national issues'';

(D) by amending paragraph (3) to read as follows:

''(3) Initiation of studies and analysis of alternatives available for ensuring the long-term strength of the United States in the development and application of science and technology, including appropriate roles for the Federal Government, State governments, private industry, and institutions of higher education in the development and application of science and technology.'';

(E) by inserting ''science and'' after ''Executive branch on'' in paragraph (4)(A); and

(F) by amending paragraph (4)(B) to read as follows:

''(B) to the interagency committees and panels of the Federal Government concerned with science and technology.'';

(5) in subsection (d), as so redesignated by paragraph (3) of this subsection, by striking ''subsection (d)'' and inserting in lieu thereof ''subsection (c)''; and

(6) by amending subsection (f), as so redesignated by paragraph (3) of this subsection, to read as follows:

''(f) SPONSORSHIP.—The Director of the Office of Science and Technology Policy shall be the sponsor of the Institute.''.

(b) CONFORMING USAGE.—All references in Federal law or regulations to the Critical Technologies Institute shall be considered to be references to the Science and Technology Policy Institute.

SEC. 207. NEXT GENERATION INTERNET.

None of the funds authorized by this Act, or any other Act enacted before the date of the enactment of this Act, may be used for the Next Generation Internet. Notwithstanding the previous sentence, funds may be used for the continuation of programs and activities that were funded and carried out during fiscal year 1997.

SEC. 208. LIMITATIONS.

(a) PROHIBITION OF LOBBYING ACTIVITIES.—None of the funds authorized by this Act shall be available for any activity whose purpose is to influence legislation pending before the Congress, except that this subsection shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member or to Congress, through the proper channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

(b) LIMITATION ON APPROPRIATIONS.—No sums are authorized to be appropriated to the Director for fiscal years 1998 and 1999 for the activities for which sums are authorized by this Act, unless such sums are specifically authorized to be appropriated by this Act.

(c) ELIGIBILITY FOR AWARDS.—

(1) IN GENERAL.—The Director shall exclude from consideration for grant agreements made by the Foundation after fiscal year 1997 any person who received funds, other than those described in paragraph (2), appropriated for a fiscal year after fiscal year 1997, under a grant agreement from any Federal funding source for a project that was not subjected to a competitive, merit-based award process. Any exclusion from consideration pursuant to this subsection shall be effective for a period of 5 years after the person receives such Federal funds.

(2) EXCEPTION.—Paragraph (1) shall not apply to the receipt of Federal funds by a person due to the membership of that person in a class specified by law for which assistance is awarded to members of the class according to a formula provided by law.

(3) DEFINITION.—For purposes of this subsection, the term ''grant agreement'' means a legal instrument whose principal purpose is to transfer a thing of value to the recipient to carry out a public purpose of support or stimulation authorized by a law of the United States, and does not include the acquisition (by purchase, lease, or barter) of property or services for the direct benefit or use of the United States Government. Such term does not include a cooperative agreement (as such term is used in section 6305 of title 31, United States Code) or a cooperative research and development agreement (as such term is defined in section 12(d)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1))).

SEC. 209. NOTICE.

(a) NOTICE OF REPROGRAMMING.—If any funds authorized by this Act are subject to a reprogramming action that requires notice to be provided to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall concurrently be provided to the Committee on Science of the House of Representatives and the Committees on Labor and Human Resources and Commerce, Science, and Transportation of the Senate.

(b) NOTICE OF REORGANIZATION.—The Director shall provide notice to the Committees on Science and Appropriations of the House of Representatives, and the Committees on Labor and Human Resources, Commerce, Science, and Transportation, and Appropriations of the Senate, not later than 15 days before any major reorganization of any program, project, or activity of the Foundation.

SEC. 210. SENSE OF CONGRESS ON THE YEAR 2000 PROBLEM.

With the year 2000 fast approaching, it is the sense of Congress that the Foundation should—

(1) give high priority to correcting all 2-digit date-related problems in its computer systems to ensure that those systems continue to operate effectively in the year 2000 and beyond;

(2) assess immediately the extent of the risk to the operations of the Foundation posed by the problems referred to in paragraph (1), and plan and budget for achieving Year 2000 compliance for all of its mission-critical systems; and

(3) develop contingency plans for those systems that the Foundation is unable to correct in time.

SEC. 211. NATIONAL OCEANOGRAPHIC PARTNERSHIP PROGRAM.

The National Science Foundation is authorized to participate in the National Oceanic Partnership Program established by the National Oceanic Partnership Act (Public Law 104–201).

SEC. 212. BUY AMERICAN.

(a) COMPLIANCE WITH BUY AMERICAN ACT.—No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the ''Buy American Act'').

(b) SENSE OF CONGRESS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(c) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Director shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

The CHAIRMAN. Are there any amendments?

AMENDMENT NO. 1 OFFERED BY MR. COBURN

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. COBURN:

Page 6, after line 11, insert the following new section:

SEC. 104. UNITED STATES MAN AND THE BIOSPHERE PROGRAM LIMITATION.

No funds appropriated pursuant to this Act shall be used for the United States Man and Biosphere Program, or related projects.

Mr. COBURN. Mr. Chairman, this amendment is very simple. What it does is limit the amount of money that the NSF can spend for the United States Man and Biosphere Program and related projects.

It is important that the people recognize that the Biosphere Reserve and World Heritage sites are under the guidance of the United Nations Educational, Scientific and Cultural Organization also known as UNESCO. The United States withdrew from that Organization in 1984 because of gross financial mismanagement.

Over 68 percent of our national parks, preserves, and monuments have been designated as United Nations World Heritage sites, Biosphere Reserve or both. There are currently 47 of those sites in the United States, covering an area the size of Colorado. Under the relative agreements, the United States is promising to manage lands in accordance with international guidelines. Many times local government, private properties are never consulted in these management plans. This is a clear violation of private property rights. The biosphere programs, including the United States Man and Biosphere Program, have never been authorized by any Congress, never been authorized, but still received this past year and this year will receive over $700,000 of taxpayers' money.

The National Science Foundation distributed more than $400,000 in grants to this unauthorized program despite the fact that the program has never had a consideration or vote in Congress and has never been approved by a body of the Congress.

Mr. Chairman, I think it is important for us to recognize that if we are going to balance our budget, the one thing that has to happen is that the Congress has to decide whether or not we are going to authorize programs. If we are going to authorize programs, then we ought to fund them. But if we are not going to authorize programs, we should not let other agencies do our job instead.

The fact is, is there are over 15 different Government agencies that are contributing moneys for other purposes to the biosphere program. It is my feeling and many others that this should not happen, that it gives away a responsibility of Congress, that in fact being unauthorized, and also invades the personal property rights of those people who own land around these parks and reserves.

The Committee on Science, it also should be noted that we did vote to take out money out of NASA that was used for this very purpose on a voice vote in the Committee on Science markup. All we are doing is extending the same guidance to the National Science Foundation as was given to NASA.

It would be my request that this body consider this amendment in the spirit in which it is given: No. 1, in terms of fiscal responsibility we should not be giving moneys to unauthorized programs; No. 2, especially programs that violate the very spirit of freedom and control of personal property rights that our citizens enjoy.

I would ask concurrence from other Members in this body on this.

Mr. BARCIA. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Oklahoma.

I would just like to make a few brief points. I would like to point out that the NSF's contribution to the Man and Biosphere Program is $50,000 a year, provided through an interagency transfer to the State Department. NSF

funds pooled with other agency funds are used to support five to six projects at about $200,000 each. Research grants are peer reviewed and then approved by the executive committee of the Man and Biosphere Program comprised of about 15 agency officials, including a person from the NSF.

I would like to also point out that all NSF moneys are used only for research purposes, not to acquire additional land. The issue of the United Nations perhaps having influence or control or authority over U.S. lands, private and public, is completely false. Neither the United Nations nor any other international body has any authority over any public or private U.S. lands which have received recognition as a biosphere reserve. Only voluntary guidelines exist for biosphere reserves. No international biosphere reserve treaty or biosphere reserve convention exists.

In 1995, many managers from biosphere reserves around the world, representatives of conservation groups and scholars met in Seville, Spain, to set some voluntary framework for international science and conservation cooperation. Among those documents were the Seville Strategy for Biosphere Reserves and the statutory framework for the World Network for Biosphere Reserves. No statutory law or treaty exists, nor is any being contemplated or proposed for this network.

□ 1200

Mr. SENSENBRENNER. Mr. Chairman, I rise in support of the amendment that has been offered by the gentleman from Oklahoma [Mr. COBURN]. I think there are two reasons why we should do this.

First, the NSF contributes $50,000 for this program. It is a controversial program, it is a program that has been set up by the United Nations, and as the gentleman from Oklahoma has stated, it has never been voted on by the Congress. The question is whether or not we can spend $50,000 on better research than this. I think we can. There is the secretariat in the State Department that is supposed to coordinate all of this money. It seems to me that there are a lot of people on the payroll, there is an awful lot of traveling around. That is not research in my mind. What is research is the type of stuff that the NSF can do inhouse with peer review grants to our universities, to our high schools, to our research institutions in the United States of America.

So it is a question of whether we want to spend the money on Man and the Biosphere or whether we want to spend the money on the other very worthwhile NSF research projects. I vote for spending the money on the other worthwhile NSF research projects.

Second, the gentleman from Oklahoma raises a very good point. The committee did offer, or did adopt, an amendment that he offered to the NASA bill that prohibits NASA funds from being contributed into this pot. The same arguments that I gave against using NSF funds for this pot are valid for NASA funds. I think it was probably an oversight that he was not able to offer the similar amendment to the NSF bill. This simply corrects the oversight, makes the Congress consistent in both NSF and NASA, and I would urge support of the gentleman from Oklahoma's amendment.

Mr. BROWN of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I had hoped that we would not get involved in a lengthy debate over this amendment, and I would only like to make a few brief statements to amplify on some of the things that the gentleman from Michigan [Mr. BARCIA] has already said. I really would like to urge the author of this amendment to spend a little more time in becoming acquainted with the research purposes of this program. I think that as a professional who understand the importance of research, he would be able to understand the significance of this international network of preserves which maintain in a condition that can be used for study and research areas around the globe which have a unique ecosystem niche or which protect a unique ecosystem niche of one sort or another. This means that in these protected areas over periods of time we can observe the impact of what human beings are doing on a global basis to specific kinds of areas, particular specific environments, which may have great value to us over the years.

That is the reason that we have this voluntary program and whose only purpose really is to establish a basis for scientific research to study impacts over time of what is happening. Now I honestly believe that the gentleman, if he would observe the program in more detail, would be impressed by the long-term value which this program contributes.

Now I understand that it has become controversial. I regret that that has been the case. But the controversy is not in my opinion over the merits of the program. The controversy is over the fact that some people, and I mean no disrespect to these people, feel that this is a conspiracy or a plot by the United Nations to take over the United States or something of that sort. Now, if one believes in this fantasy, then one of course wants to strike out at anything involving the U.N., and this is one of those programs which is a U.N.-sponsored program which they might want to do.

But as has already been mentioned, there is nothing here which provides the U.N. any authority whatsoever over any territory of the United States. These biosphere reserves are offered voluntarily as study sites within the framework of this U.N. program. They can withdraw at any time, any time. There is no loss of local, State or Federal control over these biospheres, no part of the law is changed in any way, shape or form. The amount of money involved is minuscule. The $50,000, for example, that may be spent by the National Science Foundation is so ridiculously small that it would be normally unobservable. The money spent, adding up as I understand it to less than a million dollars by other agencies, is research money either for the agency or by a university research group or some other group that wants to use these reserves to establish certain environmental research findings that would be useful to everybody in the world over a period of time.

So I very strongly urge that this amendment be defeated, and I even more strongly urge that the individual who authored it, the gentleman for whom I have great respect, would take the time to understand the full implications of this program and the value that it contributes on a global basis to research that will benefit all of us in this country.

Mr. Chairman, I rise in opposition to this amendment which would gut one of our most successful international environmental programs. I would like to briefly describe what the Man and the Biosphere Program does and what it does not do.

The Man and the Biosphere Program is a coordinated research mainly carried out by university research grants. The objective is to study representative ecological systems and compare regional results with studies elsewhere both in the United States and worldwide. In order to carry out the program, study areas called biosphere reserves have been designated within the United States and in other participating countries that reflect the unique ecological systems that need to be examined.

As is described by the Congressional Research Service, ''Biosphere Reserve recognition does not convey any control or jurisdiction over such sites to the United Nations or to any other entity. The United States and/or State and local communities where biosphere reserves are located continue to exercise the same jurisdiction as that in place before the designation.'' Thus there is no question that this is not a property rights issue, nor an international plot to take over U.S. lands.

Yet, sadly, there remains a uniformed opinion among some that has transformed itself into an irrational fear over the loss of U.S. sovereignty. There has been a great many inaccurate and groundless anecdotes about this program that I am certain could be corrected given enough time today.

This would not be a very wise use of our time however. I will just make a few general comments about this issue.

The idea that the United Nations is taking over U.S. lands, public and private, is completely false. No international treaty or convention exists that even remotely affects U.S. sovereignty.

The designation of a biosphere reserve does not have any effect on the status, use, or value of non-Federal lands. There is absolutely no evidence that any restrictions have been placed on any private lands in the vicinity of a biosphere reserve because it was a reserve. For an area to be nominated as a reserve, such an area must already have legal protection as a protected area, area of managed use, wilderness area, or research natural

area. There have been no new restrictions placed on such lands.

Biosphere reserves will not circumvent the Constitution or infringe on the laws enacted by Congress. The Federal or State agencies responsible for biosphere protected areas are all the agencies we have jurisdiction over, there is no new authority conveyed by the Man and the Biosphere Program.

Finally, Mr. Chairman, opponents of the Man and the Biosphere Program have asserted that U.N. troops have had a firsthand role in establishing control over these biosphere reserves, U.N. roadblocks have been set up, that some secret international conspiracy called Agenda 21 exists for seizing control, and so on. These charges would be laughable if it were not for the tragic consequences that this type of paranoia has bred over the past year.

I hope that we take a rational and moderate view toward this issue today and defeat this amendment. The opponents of the Man and the Biosphere Program simply have not met the burden of proof that it is part of a conspiracy or that it in any way has affected property rights. I urge my colleagues to vote no on the amendment.

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

Mr. BROWN of California. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, I would just say to the gentleman I have read everything available to use on this program. The people I represent wholeheartedly disagree with this program. Even though it does have benefits they still disagree, and that even though a ridiculously small amount like $700,000 in terms of what we spend does seem small, but when the average family income in the district is $13,000, that is a tremendous amount of money, and when we are trying to balance a budget and not take money from our grandchildren, $700,000 on an unauthorized project is a tremendous amount of money.

Mr. ROHRABACHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would just like to put my strength or my convictions or my words behind my colleague from Oklahoma who is watching out for the taxpayers' interests. As my colleagues know, sometimes we get so involved with the big picture that we miss some of the details, and when talking about the details in Washington, DC, we are talking about hundreds of thousands and millions of dollars that slip right on by and end up being spent on what most Americans would think are looney programs. And I have to say that I honestly believe that this biosphere program is one of those looney programs for which we could have better spending in other NSF research programs, and it would be much better to have this money that is being spent for what I consider also to be.

As my colleagues know, one of the things when I came up here, and I will just be very honest about it, is, yes, we have a situation where all political people, we are all elected, and sometimes people are attracted to projects that have a lot of publicity and are trendy projects, and I hate to say this, but it appears to be from what I read about the biosphere program that it is a trendy project, but it does not make any sense to me what I read about it, and I think that there are other ways that we could spend taxpayers' dollars that would be much more beneficial, like making sure no money is spent on this sort of looney program. We are ensuring that those dollars will be spent on something a little bit more substantive.

Mr. Chairman, I yield the balance of my time to the gentleman from Oklahoma [Mr. COBURN].

Mr. COBURN. Mr. Chairman, I thank the gentleman for yielding. I just thought I would give us a rundown of where the $700,000 came from last year so we can all know where it came from since none of this was authorized and it came from several different agencies.

The Air Force gave $50,000. That is really defense of our country. The Bureau of Land Management gave $20,000; the EPA gave $18,000; the Forest Service gave $75,000; the National Biologic Service gave $30,000; the National Park Service, $60,000; NASA, $50,000; NOAA, $50,000; the National Science Foundation, $50,000; the Peace Corps gave $11,000 of their budget to the Project Man and Biosphere. The State Department gave $240,000 of their money to the biosphere program last year. The State Department; I am having trouble connecting what that has to do with the State Department in terms of protecting that. USAID, which is not quite biosphere, it gave $60,000. We spent $7,000 in Denmark out of this money, we spent $11,000 on the European market, we spent $11,000 in the Mexican biosphere project, and we spent $23,000 in the Russian biodiversity information project.

So I guess the question comes is if this is a legitimate project, let us bring it through the Congress, let us bring it through the Committee on Science, let us authorize it and then put the money there. Let us not let bureaucrats decide how we are going to fund something that we may think is right, and all we are asking with this amendment is that we not fund money for an unauthorized project, and if it has merits, let it stand on its own merit and go through the process that any other thing in this Congress is supposed to do. That means come through the committee process, be authorized and be voted on by both Houses of Congress, and get the money.

Mr. ROHRABACHER. Mr. Chairman, I would compliment my colleague from Oklahoma [Mr. COBURN]. While a short time here, he has become a champion of the taxpayers and watching for these little things that might sneak by the rest of us, and we really appreciate his diligence on this issue and other issues, I might add as well.

Mrs. CHENOWETH. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, the Coburn amendment would prohibit the National Science Foundation from distributing grants from the U.S. Man and Biosphere Program which is the mechanism the United Nations uses to study and designate biosphere reserves in the United States.

Mr. Chairman, few Americans really realize that over the last 25 years increasingly large amounts of Federal land have been designated for international land use programs such as the biosphere reserves. I would like to lay out some facts about this program.

Here in the United States a total of 47 sites in the United States have been designated already as U.N. biosphere reserves with virtually no congressional oversight and no congressional hearings. The Biosphere Reserve Program is under the jurisdiction of the U.N. Educational, Scientific, and Cultural Organization, commonly referred to as Unesco. Now it is very, very important to note that the United States actually pulled out of Unesco in the mid-1980's because of gross financial mismanagement, at the urging of our President, Ronald Reagan.

Mr. Chairman, in addition, there is no formal international agreement concerning biosphere reserves, and I think that is very important to note when we are trying to appropriate several hundred thousand dollars. The U.S. program operates without legislative direction and is not authorized by Congress. The U.S. biosphere reserves now proximate an area the size of the State of Colorado, the eighth largest State in the Nation. A biosphere reserve is a federally zoned and coordinated region consisting of three areas or zones that meet certain minimum requirements established by the United Nations. The inner or most protected area, the core zone, is usually Federal lands, but the outer two zones contain non-Federal property, and that means an encroachment, an imposition, of rules and regulations again into private property. By allowing these international land use designations, the United States promises to protect designated areas and regulate surrounding lands if necessary to protect the designated areas. Honoring these agreements forces the Federal Government to prohibit or limit some uses of private lands outside the internationally designated area unless our country wants to break a pledge to other nations. The Federal regulatory actions that result have a potential of causing a significant adverse impact on the value of private property and on the local and regional economy surrounding these areas. Also disturbing is that the designation of biosphere reserves rarely involves consulting the public and the local government. In fact, Unesco policy apparently discourages an open nomination process for the designation of these lands for biosphere reserves.

□ 1215

In their operational guidelines, in UNESCO's own operational guidelines for the implementation of the World Heritage Convention, it states, and I quote, ''in all cases, as to maintain the objectivity of the evaluation process and to avoid possible embarrassment to those concerned. The State national party,'' they refer to the United States as the State, ''the State party should refrain from giving undue publicity to the fact that a property has been nominated inscription pending the final decision of the committee of the nomination in question.''

Now, participation of the local people in the nomination process is essential to make them feel a shared responsibility with the State party in the maintenance of the site but should not prejudice further decisionmaking by the committee.

Mr. Chairman, I think that says it all. Last year, when the Committee on Resources held a hearing on this issue, our suspicions about the lack of local involvement were confirmed. We heard testimony from local officials all around the country who felt that their role in the land management process had been significantly diminished by these designations. Many of these people did not even know that their property and surrounding lands were even being considered for designation until final decisions were made.

Mr. Chairman, it is clear to me that biosphere reserve designations give the international community an open invitation to interfere in domestic land use decisions. More seriously, the underlying international land use agreements potentially have several significant adverse effects on the American system of government. The policymaking authority is further centralized at the Federal executive branch level, and the role that the ordinary citizen has in the making of this policy through their elected representatives is totally diminished. The executive branch may also invoke these agreements in an attempt to administratively achieve an action within the jurisdiction of the Congress but without consulting Congress.

Mr. Chairman, I urge strong support for this amendment.

Mr. Chairman, in looking at these facts, it is particularly distressing that the National Science Foundation has contributed more than $40,000 tax dollars to this unauthorized and sovereignty threatening program.

With that in mind, I strongly urge my colleagues to vote in support of this amendment, which will not only stop the expenditure of unauthorized Federal funds, but will also help keep the sovereignty of our lands where it belongs; in the people's house.

Mr. CAPPS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think there is paranoia going on here having to do with a fear about Unesco, the United Nations and various things; and I think it is completely overblown. The research has already been authorized, that is point No. 1, and the research that has been authorized does not infringe upon property rights. I think that this ought to be emphasized.

The biosphere reserve designation does not convey any control or jurisdiction over such sites of the United Nations or to any other entity. The United States and/or State and local communities where biosphere reserves are located continue to exercise the same jurisdiction as that in place before the designation, and areas are listed only at the request of the country in which they are located. These areas can be removed from the biosphere reserve list at any time by a request from that country.

Mr. Chairman, I am reading from a CRS report for Congress. I want to add to that that CRS is not known to lie to Congress. I am opposed to the amendment and urge my colleagues to vote against it.

Mr. SALMON. Mr. Chairman, I move to strike the requisite number of words. I rise in support of the amendment.

Mr. Chairman, I yield to the gentleman from Oklahoma [Mr. COBURN].

Mr. COBURN. Mr. Chairman, I would just like to make one point. I believe it was a mistake in language, but I would like to ask the gentleman a question. This program has never been authorized by any Congress of the United States; is that the gentleman's understanding?

Mr. CAPPS. Mr. Chairman, if the gentleman would yield, it was before I got here, but I understand that we authorized the research. We did not designate whether the research would take place.

Mr. COBURN. Mr. Chairman, I would ask the gentleman from California [Mr. BROWN] to please clarify that for me.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

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

Mr. BROWN of California. Mr. Chairman, we do have reference to the concept of the biosphere reserves. That is a U.N. designation. We do not authorize that. All of the research done within those biospheres is conducted with Federal money. That research is authorized, however.

Mr. COBURN. Mr. Chairman, I thank the gentleman. That is exactly my point. We have never as a body in this Congress authorized the U.S. Man and Biosphere project. We have, in fact, authorized moneys that then have been spent on it for an unauthorized program. That is exactly why we should support this amendment and not allow agencies to spend money on unauthorized projects.

Again, I would reemphasize, if this program has good merits, it should come before the appropriate committees of Congress, receive its authorization and receive its funding. To fund it any other way is, first of all, inappropriate and is deceitful. Yes, there is in the far Western States certain paranoia about this, but why should there not be if we are funding it and not bringing it for authorization?

So I would say we understand that it does not have anything to do with about whether we are environmentally friendly or not. The fact is that, if it is a legitimate program, then let us bring it before the committees, let us authorize it and then let us fund it.

Mr. BROWN of California. Mr. Chairman, if the gentleman would continue to yield, I want to indicate that there are some things that we should agree on. If the gentleman is willing to admit that there is a little paranoia out there, and I have some of it in my district, I can assure him, I would be willing to admit that we should authorize specifically our participation, even though it is a voluntary participation, in the U.N. Biosphere Program. There is no reason why we should not put that into suitable legislation, and I will commit myself to making an effort to do that as soon as possible.

Mr. COBURN. Mr. Chairman, I thank the gentleman.

Mrs. EMERSON. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Oklahoma [Mr. COBURN] to prohibit National Science Foundation funds to be used for purposes relating to the U.S. Man and Biosphere Program. On behalf of many of my constituents in southern Missouri, I commend Mr. COBURN's efforts to prevent future funding for this program.

Mr. Chairman, large portions of my district in southern Missouri have been designated by the Man and Biosphere Program as a proposed site. Fortunately, after a groundswell of opposition and strong grassroots on the part of property owners throughout our region, the proposed Ozark Highlands Man and Biosphere has been dropped. However, that is not to say that future proposals will not emerge that could again potentially pose problems for private land owners throughout my congressional district and the Nation.

It is important to understand that Congress has no direct oversight, input, or direction over this program. It has never been authorized by Congress and therefore should not be funded. Just as important, the public and local governments are rarely consulted. This is wrong and should not be funded with taxpayers' dollars.

The U.S. Man and Biosphere Program goes to the heart of a larger problem in this country—that is land management restrictions for both our Nation's public and private lands. In fact, many folks would be surprised to know that within the last 25 years, more and more of our Nation's land has become subject to international land-use restrictions. Right now, a total of 67 sites in the United States have been designated as United Nations Biosphere Reserves or World Heritage sites. While there is no current U.N. involvement in our domestic land management decisions, we should not be establishing additional forums that could eventually lead to international input in our own domestic decisions regarding this country's public and private lands.

I want to, again, reiterate my strong support of the amendment by Mr. COBURN to prohibit funding for this unauthorized program and appreciate his efforts on behalf of private property owners throughout this country.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. COBURN].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments?

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas: Page 20, insert after line 18 the following:

SEC. 213. ENHANCEMENT OF SCIENCE AND MATHEMATICS PROGRAMS.

It is the sense of the Congress that the Director shall, to the greatest extent practicable and using existing authority, donate surplus computers and other research equipment to elementary and secondary education schools to enhance their science and mathematics programs. The Director shall report annually to the appropriate Committees of Congress on the Director's activity under this section.

The CHAIRMAN pro tempore (Mr. DIAZ-BALART). The gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, as a relatively new Member of this body, I have been very proud of the work of the House Committee on Science, both under the leadership of the gentleman from California [Mr. BROWN], my ranking member, and the chairmanship of the majority.

One of the issues that we have raised as we confront this whole story of the 21st century is, will we be prepared and will our children be prepared? With that in mind, I am very concerned that our schools in the Nation continue to encourage our young people to be involved expertly, if you will, in science and mathematics programs. There is not one of us who has not talked to a 5th grader, a 6th grader, a 9th grader, and then maybe an 11th grader or 12th grader, and we see the progress of change on the issues of science and math; the sparkling eyes of the 3rd grader and 4th grader and 5th grader and then the waning interest of maybe those in middle school and high school. It is extremely important, I believe, that we in the Government lend ourselves to encouraging the study of math and science.

This amendment responds to that interest. In 1997, the number of children in the United States that enrolled in public schools between K through eighth grades are 33,226,000. The number of children enrolled in public schools between grades 9 and 12 are 13,299,000. The number of children enrolled in private schools between K to 8th grades are 4,547,000, and the number of children between grades 9 and 12 are 1,329,000, for a total of 51 million children. We have the responsibility to educate our children.

Science has value and importance because of the beneficial applications of scientific finds in the overall economy. It was of great excitement for me to join one of my elementary schools where a teacher single handedly opened up a science a lab with all kinds of trinkets, if you will, that she had gathered from the parents of children, parents who are involved in the science arena who brought different items to her attention and she created a touch-and-see laboratory. Because of that, that will instill in those children the opportunity and the desire to be proficient in science and in math, helping us explore our world and space in the 21st century.

Further, the benefits have tangible results and a better educated citizenry graduating from our Nation's schools, universities and graduate schools. Because of the work done by the National Science Foundation, America will be better able to compete in the global economy of tomorrow.

This amendment complements the National Science Foundation by allowing them to donate surplus computers and other research equipment to elementary and secondary educational schools to enhance their science and mathematics programs. What better source of this kind of equipment than the cutting-edge agency that deals with science research on a continuous basis? If we are to prepare our children for the demands of science and mathematics in the future, they should be allowed to receive the benefits of federally funded programs which are revenue-neutral by using surplus equipment that may be of benefit to strengthening science and mathematics programs.

This amendment would direct the National Science Foundation to look at its equipment and be able to ensure that our schools, rural and urban throughout the Nation, have access to this very valuable and current scientific equipment. Math and science are key, Mr. Chairman, and I believe anywhere and anyhow this Congress can help our children be excited about math and science and being prepared for the 21st century, we should engage in whatever way possible.

Therefore, I ask my colleagues to support me in this amendment. Most of all, I ask them to support our children by allowing them and giving them encouragement to participate in science and mathematics throughout this Nation.

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

Mr. Chairman, I am pleased to say of the amendment which has been offered by the gentlewoman from Texas [Ms. JACKSON-LEE] that the majority is willing to accept the amendment. It is clear that we need in our elementary and secondary educational schools greater computing ability as well as a better means of instructing students in the use of computers, and to the extent that we can assist in the Federal Government with surplus computers and other research equipment, it is a great step forward.

My only comment is that this action should also extend to higher education because they can also make particularly good use of surplus research equipment and, to a certain extent, computers.

My hope is that we will donate good equipment and not junk equipment. And I think the schools may have to be a bit discriminating as to what they accept, because they may accept greater maintenance liabilities than they think if they are not careful. But there is certainly a noble intent behind the amendment. I am pleased on behalf of the majority to say that we appreciate it and are willing to accept it.

□ 1230

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. EHLERS. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, as one of the individuals on the committee, being a scientist that I admire along with the other scientists that are there, let me thank the gentleman for that.

Let me say that I look forward to having the opportunity in the future to work on institutions of higher learning. One of the aspects of this amendment is that we ask the agency to report back to the committee. In that, I hope that we can be assured that no junk has been given, and work with the agency to ensure that that would not happen.

Mr. BROWN of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do this not to belabor the amendment, which obviously on both sides we agree to. I would like to just indicate how important I think it is. It moves us a long way forward in making sure that all of our schools do have access to the kind of equipment that will help them to cross this bridge into the 21st century.

Mr. Chairman, I specifically want to pay tribute to the gentlewoman from Texas, who, despite the fact that she is not a scientist, is taking the leadership role in this whole area of adequate communication, networks, advanced computing equipment, and other things that are so important to education in today's world.

It is remarkable that someone who does not claim to be a scientist and have a background in the information revolution should be as assiduous as she has been in making sure that at every opportunity we make some contribution to enhancing our progress in this vital area. I want to commend the gentlewoman for that.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas [Ms. JACKSON-LEE].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

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

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. PETRI) having assumed the chair, Mr. DIAZ-BALART, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 1273) to authorize appropriations for fiscal years 1998 and 1999 for the National Science Foundation, and for other purposes, pursuant to House Resolution 126, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

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

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill just passed.

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

There was no objection.

CIVILIAN SPACE AUTHORIZATION ACT, FISCAL YEARS 1998 AND 1999

The SPEAKER pro tempore. Pursuant to House Resolution 128 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1275.

□ 1234

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1275) to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 1998 and 1999, and for other purposes, with Mr. DIAZ-BALART in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Michigan [Mr. EHLERS] and the gentleman from Alabama [Mr. CRAMER] each will control 30 minutes.

The Chair recognizes the gentleman from Michigan [Mr. EHLERS].

Mr. EHLERS. Mr. Chairman, I reserve my time and defer to the gentleman from Alabama [Mr. CRAMER].

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

Mr. Chairman, I rise today in support of H.R. 1275, the Civilian Space Authorization Act for fiscal years 1998 and 1999. I believe this is a good bill and that it is the result of a bipartisan effort by members of the Committee on Science.

I want to congratulate the chairman of the committee, the gentleman from Wisconsin [Mr. SENSENBRENNER], the chairman of the subcommittee, the gentleman from California [Mr. ROHRABACHER], as well as the ranking member, the gentleman from California [Mr. GEORGE BROWN] for their work in crafting this important piece of legislation.

This provides for a balanced NASA program, fully funding its critical missions, and I am pleased that the bill maintains the Congress' commitment to the Space Shuttle and Space Station Programs. These programs are critical to our Nation's future in space and are the heart of the human space flight endeavor.

I am sure we will hear a little more about the Space Station Program when we likely debate what I believe is an ill-considered amendment to cancel the station program. I believe the gentleman from Indiana [Mr. ROEMER] will consider offering that amendment again here.

I want to focus on many more of the positive provisions of H.R. 1275. This bill ensures that the taxpayers' investment in the space station is protected. We have erected a firewall between the funding for the Space Station science payloads and the funding for the space station's hardware development. We need to make sure that the station program that we are building is a productive world-class research laboratory, and I believe this bill goes a long way toward ensuring that that goal is attained.

We heard through the committee hearing process from many different points of view. We heard loudly from the medical research community that they need the Space Station Program in order to continue to build on the highly effective life and microgravity science research that we are already conducting on the space shuttle program.

We heard from many witnesses about advances that are being made with infectious disease, combatting that, advances that are being made in treating particular kinds of cancers, diabetes, other issues as well, that cannot go much further here on Earth, they need the Space Station Program in order to get there.

This research has real potential for commercial development, and I hope those new Members of Congress that may be somewhat reserved about our investment in the Space Station Program will listen during this debate to the advances that we have made over those issues.

H.R. 1275 provides funding in fiscal year 1998 to allow NASA to continue flight research activities on the shuttle until the Space Station Program becomes operational. H.R. 1275 also contains a number of tough provisions regarding the Russian participation in the Space Station Program. Cooperation with Russia in space offers many benefits to America, but that cooperation has to be based on each party living up to its commitments. The Space Station Program that is funded through the authorization of this bill sends a strong signal to Russia that we expect them to deliver on their promises.

Turning to space science, I think we do an outstanding job in this piece of legislation to fully fund the President's request for space science. For example, the bill funds the continued operation of the Hubbell space telescope, which is making exciting scientific discoveries that are rewriting science textbooks.

In all, H.R. 1275 is a strong bill, and I urge my colleagues to consider this bill. I have more to say, but I want to make sure that I give the chairman of the committee the opportunity to discuss this.

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

Mr. EHLERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin [Mr. SENSENBRENNER].

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

Mr. SENSENBRENNER. Mr. Chairman, I rise today to support H.R. 1275, the Civilian Space Authorization Act, which the Committee on Science recommends to the House by a wide bipartisan margin.

In fiscal year 1998, this bill provides a modest 1-percent increase for NASA over its fiscal 1997 appropriated level. For fiscal year 1999 we provide a 1½-percent increase over the 1997 level.

As most of the Members will recognize, these increases do not keep pace with inflation, so NASA's real budget continues to fall. Nevertheless, H.R. 1275 provides NASA with the stability it requires to achieve our national space goals during this period of declining budgets.

The bill fully funds NASA's programs and scientific research and includes modest increases in space science data analysis to correct NASA's failures to adequately fund its science investigations.

The bill also contains funding to take our reusable launch vehicle programs to the next level, a generation beyond the X–33 program. X–33 remains our first priority, but this new investment in another X plane concept ensures that the Nation has options for the future of its space transportation capabilities.

I would like to turn now to the bill's international space station provisions.

As my colleagues are aware, the Clinton administration invited Russia to join the international space station in 1993.

At the time Congress was skeptical that Russia would make a good partner based upon the instability associated with its transition from communism to democracy and capitalism. But the administration made a lot of promises, arguing that the Russians would never let their space program fall into disrepair, and that we would not be dependent upon the Russians for the success of the international space station.

As most of us know, those promises have been broken. This does not mean that we should walk away from the space station. Its potential to radically improve our knowledge of human physiology, plant and animal biology, microgravity, and material science has been demonstrated time and time again on the space shuttle and in testimony before the Committee on Science. Congress has been right and proper in continuing its support for the international space station, and I hope it continues to do so today.

We have been consistent and passed funding for the space station in the last Congress by 140 vote margins. Our mistake, which we were obligated to make, was to place any faith in the administration's promises. H.R. 1275 fixes that problem.

In committee, the gentleman from California [Mr. BROWN] and I offered an amendment that imposes a decision process on the administration relative to the Russian problem and the space station. That amendment was adopted by a unanimous division vote of 25 to nothing.

Briefly, we prohibit paying Russia for its commitments to the international space station. They have to pay for that themselves. United States taxpayers' money will not be used to pay for what the Russians promised to build.

Second, we put an end to the administration's practice of dissembling, denying, and ducking problems by forcing NASA to develop a contingency plan and time line for deciding whether or not to remove each Russian piece of hardware in the critical path.

Third, we require NASA to certify each month that the Russians are, or are not, living up to their obligations, so the administration cannot spring surprises on us and pretend it did not know what was going on.

Fourth, we require the President to certify by August 1 that he will or will not baseline the Russian elements in the Space Station's design.

Finally, long-term stays by our astronauts on the Russian Mir space station require an independent review of the Mir to determine whether it meets or exceeds U.S. safety standards. We cannot risk our astronauts on Mir just to save Russia's dignity or to allow the administration to remain in denial.

I would point out that there is currently a leak of antifreeze on Mir that has caused a partial evacuation of one of the modules of Mir. It does not place our astronauts in a life-threatening situation at the present time, but this is the latest in a long line of safety problems, because the Mir space station has outlived its useful and functional life, and is continuing to be used by the Russians.

The bill is a good package of policy initiatives that will put the space station back on the right track when it comes to dealing with Russia. We are not imposing a solution on the administration, at least not yet. We are not imposing a solution because the committee still hopes to work with the White House to come up with a national solution to this problem.

But we are imposing a decision-making process with deadlines that will force the administration to resolve this problem, and to prevent a hemorrhage of more U.S. taxpayer funds from being unnecessarily used because delaying the problem's resolution will simply increase costs.

□ 1245

This reason alone is enough to warrant continuing bipartisan support for H.R. 1275.

Mr. Chairman, I yield such time as he may consume to gentleman from California [Mr. ROHRABACHER], chairman of the subcommittee.

Mr. ROHRABACHER. Mr. Chairman, I rise today in strong support of H.R. 1275, the Civilian Space Authorization Act of 1997.

This bill authorizes appropriations in fiscal years 1998 and 1999 for and provides policy direction to the National Aeronautics and Space Administration, the Office of Commercial Space Transportation in the Federal Aviation Administration, and the Office of Space Commerce in the Department of Commerce.

Mr. Chairman, just as our Nation's efforts are helping to open up America's next frontier, this bill makes pioneering strides in bipartisanship, in funding vital scientific and technological research, and in promoting our Nation's emerging commercial space enterprises.

I would like to thank the gentleman from Wisconsin [Mr. SENSENBRENNER], my chairman, for his leadership on the space issues within this bill and his help in my efforts to prepare this bill. I would also like to thank the ranking member of the full committee, the gentleman from California [Mr. BROWN], who has been a guidepost for the rest of us and made major contributions as well. The gentleman from California [Mr. BROWN] is a good friend and has contributed a great deal to this, as has the gentleman from Wisconsin [Mr. SENSENBRENNER].

I might add that the gentleman from Alabama [Mr. CRAMER] and I have developed a relationship that some Members probably thought was impossible for a partisan guy like me to do. But the gentleman from Alabama [Mr. CRAMER] and I have been working for our country's space efforts to make sure that America has the number one space effort in the world. We have put together a package today, and I am very, very pleased with the cooperation that we have had. I pledge that I will do my very best to keep that level of cooperation going.

I would also like to thank, in passing, the gentleman from Florida [Mr. WELDON], who is the subcommittee's capable and active vice chairman, who has probably been more active than any vice chairman of any subcommittee that I have ever been a member of. So we thank the gentleman from Florida [Mr. WELDON] as well.

Because we do not yet have a budget resolution, this year, this bill's funding levels are based on the Committee on Science's views and estimates which call for strengthening our Nation's research and development investments while pursuing the bipartisan goal of balancing the budget. Actually this bill provides a mere 1.25 percent increase, that is a 1¼ percent increase in the funding for NASA over last year, over fiscal year 1997 levels. That is less than inflation. We do that while holding the other two agencies basically constant.

This bill reflects funding priorities set by the Committee on Science and its Subcommittee on Space and Aeronautics over the last several years. Over the last several years, obviously, both parties have been in a leadership position in these committees. We strongly support human space flight, space science and the aeronautics and space technology efforts which will keep American industry number one and open the frontier of space to commercial enterprise.

With a few exceptions, we have approved the President's budget request for NASA. It is a greatly improved budget submission over the one he made for fiscal year 1997, especially with regard to the outyears. In two areas, we have added the funds necessary to achieve high priority goals. In others, we have made small reductions or limitations on the use of funds.

NASA Administrator Goldin has repeatedly stated to the Congress and audiences all over the country that his highest goal after preserving the safety of the space shuttle flight program is dramatically reducing the cost of transporting people and cargo into space. NASA has made an excellent start in that direction with the X–33 Program and its smaller sibling, X–34 Program. We are fully funding those programs and indeed specifically authorizing the X–33 Program.

Unfortunately, the NASA budget only has funds to develop and flight test one concept for the X–33. NASA has indicated both in testimony and direct conversations with me and my staff that they wish to pursue additional X-vehicles in the future to continue pushing down the cost of space transportation. This bill uses most of

our increase over the President's request to fully fund a different competitively chosen X-vehicle by using the most advanced technologies possible as a complementary follow-on to X–33.

This will provide technical redundancy to the X–33 in case that program fails, and it will enable downstream competition in the reusable launch vehicle industry, should the X–33 program succeed.

It also will accelerate the drive toward cheap access to space and not in the long run but in the medium run save the taxpayers not only millions of dollars but billions of dollars by bringing down the cost of getting into space and making sure that as we explore and utilize space for national and all the purposes of mankind, that it not be, that the cost is not so high simply because the transportation costs are high.

Another goal of the subcommittee for NASA is preserving steady funding for scientific research. We are providing some small increases to the space science accounts in this bill, particularly for the analysis of data coming back from science missions and also for initiatives like asteroid detection and NASA participation in the Air Force's Clementine II asteroid intercept mission. We also increase and specify funding for life and microgravity sciences and applications, an area with tremendous potential to improve our daily lives here on earth and also an area which the gentleman from Alabama [Mr. CRAMER] in his remarks detailed for us that we learned during our hearings of the tremendous potential of this life and microgravity sciences.

Again, I would like to thank the gentleman from Alabama [Mr. CRAMER] for the positive role he played in those hearings and in relating that potential to us here today.

Perhaps the most well-known program in the bill is the International Space Station Program which we are fully funding at the President's request so it will enable vital science and help open new frontiers to American free enterprise. Of course, the space station program is currently facing the challenge of a lack of funding from the Russian Government for their share of the hardware. The Subcommittee on Space and Aeronautics held an excellent hearing on April 9 which discussed both the problems with the Russian partnership and the great importance of completing the space station on schedule for scientific and commercial reasons.

On April 16, the committee adopted without a single opposing vote a bipartisan amendment by the gentleman from Wisconsin [Mr. SENSENBRENNER], and the ranking member, the gentleman from California [Mr. BROWN], which imposes a responsible decision-making process on the administration for solving this problem.

Now, this bill does not just fund NASA. As commercial space activities continue to grow, creating high-wage, high-technology jobs here in America, using private capital in doing so, it is vital that the Government can provide a stable and streamlined regulatory and positive business environment for this emerging space industry.

That is why President Reagan created the Office of Commercial Space Transportation and the Office of Space Commerce. This bill funds and directs the Office of Commercial Space Transportation, now part of the Federal Aviation Administration, to license commercial space transportation vehicles and spaceports. We also fully fund and permanently establish the Office of Space Commerce in the Department of Commerce, which promotes the growth of current and emerging new commercial space activities.

As I said earlier, this bill provides significant policy direction as well as authorizing appropriations. That direction boils down to two important themes: ensuring NASA's accountability in the spending of nearly $14 billion each year in taxpayer funds and improving the cost effectiveness of all Government civil space spending.

Regarding accountability, this bill gives NASA four major directives. First, in the International Space Station Program, the Congress should be better informed as to the thinking behind and the commercial impact of the international hardware barter agreements NASA is negotiating with various foreign entities.

Second, we want to make sure that as NASA consolidates its nonshuttle operational contracts and moves those activities more into the private sector, that NASA fully consider and inform the Congress regarding the issues of competition and fixed-price versus cost-plus-fee contracting. Third, we direct NASA to pursue independent cost analysis of its programs which include all costs to the taxpayers.

Finally, we direct NASA to provide the Congress with a detailed report on the status of the Earth Observing System data information system. Of course, all of us on the committee and in this body want to ensure that our constituents' tax dollars are spent as effectively as possible, particularly as we drive toward a balanced budget in the year 2002.

So for civil space, like all other so-called discretionary programs, the Congress and the administration must work hard to continually improve and reform the cost effectiveness of all Federal space activities. To that end, this bill does several things to improve both efficiency and effectiveness of the taxpayers' investment.

We include an initiative to improve NASA procurement of new technology. We direct NASA to actively pursue the greatest possible commercial participation and use of the International Space Station Program. We direct NASA to purchase space science data from commercial providers. We fund a continuing program at the Stennis Space Center to purchase commercial remote sensing data to more cheaply meet the needs of the Mission to Planet Earth Program. We strongly state our commitment to move from Government-operated space launch vehicles to the purchase of commercially provided launch services, including the possible option of a privatized shuttle fleet. And we place in statute a very important provision of the President's national space policy, mandating the purchase of, and preventing NASA competition with, commercially available space goods and services.

In closing, let me say a few more words about the bipartisanship that we have enjoyed over these last few months and how critical that has been to this legislation.

Our Nation's space efforts have been and should remain bipartisan in nature and bipartisan in their support.

But the world is changing. The cold war that motivated our earlier space efforts has long since gone. Our space program and our policies concerning space must change as well. Bureaucracies do not like change and they often use partisan differences to keep the legislative branch from promoting positive reforms. We have in these last few months forged a solid bipartisan coalition which will permit us to make sure the taxpayers are getting their money's worth and that America will remain the No. 1 Nation in space, the No. 1 space power on this planet.

The great achievement of this bill is that the funding priorities and policy direction we have set are supported by both policies. Together we are saying that the reason we are funding the space station is to do scientific research and to promote commercial opportunities. Together we are saying that the space shuttle should be upgraded to improve safety. Together we are saying that cheap access to space is a critical goal which deserves additional funding.

Together we are saying that the space commercialization offers tremendous opportunities for creating new jobs and industries without increasing and in fact in some instances decreasing the actual funding level that we have to deal with. So today I would ask my colleagues to join me in strong support for H.R. 1275. We have found it in our abilities to work together, and I am sure we will continue this cooperation throughout this session.

Mr. CRAMER. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. Brown], former chairman of the full committee, ranking member of the full committee, and strong advocate for NASA.

Mr. BROWN of California. Mr. Chairman, I thank the subcommittee ranking member for yielding me this time.

Of course, I would also like to rise in support of H.R. 1275. I want to particularly note the contribution that the chairman of the subcommittee, the gentleman from California [Mr. ROHRABACHER] has made. Much of the

detail of this bill reflects his considerable input and his commitment to the space program.

□ 1300

I think all of my colleagues have noticed that the gentleman from California [Mr. ROHRABACHER], has made some changes. Some of these are highly visible, others are not quite so visible.

I, for example, have challenged his description of himself as an active partisan by accusing him of becoming a pragmatic statesman. He may not want me to say that in public, but it does reflect the fact that he has been able and has worked very closely with the minority in developing this excellent bill.

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

Mr. BROWN of California. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I would say to the gentleman that serving on the Committee on Science from January 3, 1997, has been a tremendously maturing process for all of us.

Mr. BROWN of California. Mr. Chairman, reclaiming my time, I would note that I completely concur with the gentleman's statement.

Of course I will not belabor all the details of this bill, Mr. Chairman, which those who have worked more closely with it, including the gentleman from California [Mr. ROHRABACHER], and the gentleman from Alabama [Mr. CRAMER] have already spoken to or will speak to, but I would like to point out, just to emphasize the fact, that this bill does really represent a critical turning point in terms of support and funding for the NASA programs and many of the critical components in the national programs.

For example, I have been complaining to no avail now for several years that the budget for NASA, and particularly the 5-year outlook, was disastrous. As late as just last year, the projection was that we would be at about $11 billion per year by the year 2002. That has completely turned around, as has already been remarked by the gentleman from California [Mr. ROHRABACHER], and we now appear, although it is never wise to take too much for granted, to have stabilized NASA at a figure of roughly $14 billion, slightly under $14 billion.

I personally do not consider that that gives sufficient weight to the many diverse contributions that NASA makes to the future of this country, both in terms of scientific productivity but as well in our opportunity to be commercial leaders in what I believe will be a huge market in space and in space-related activities over the near future. I think that a recognition of the importance of this has infused the gentleman from California and the gentleman from Wisconsin, and has encouraged them to help us to move toward taking advantage of these great opportunities that we will have in the future.

Mr. Chairman, I am going to just comment very briefly about a couple of items that have already been mentioned.

The amendment which the chairman and I jointly offered with regard to Russian participation is, I believe, both tough and prudent. We are aware of the need to have full Russian commitment, backed up with Russian dollars, for those parts of the program that they have committed themselves to.

I would like to say that the chairman has been most assiduous, most conscientious in making sure that we were fully informed as to the problems that the Russians were having and the need to correct those problems at the earliest possible date.

I think it needs to be said that the Russians do face a particularly difficult period at the present time in their evolution from their former status as a dictatorship to a form of democracy. That is not, I would say, U.S.-style democracy, but one in which there is greater participation by the citizens of the country, and so on. That transition is going to take years and, in the meantime, the Russian Government has severe problems which they need our help in trying to overcome.

Having said that, that does not absolve them from their responsibility to keep their commitments, and it is this keeping of commitments that is spoken to in the language of the bill which we have adopted and which I think will be very helpful and will provide a little better guidance to our own Government in terms of how to operate in this kind of a spirit.

I would like to indicate also that there are some areas that represent modest new programs in this bill, so modest I almost hesitate to mention them. But, for example, with regard to the Asteroid Program, which the gentleman from California mentioned, he and I both, I suspect, have a background in old science fiction novels in which asteroids collide with Earth.

This may not happen for a million years, but, who knows, we ought to be prepared even for something that may not occur for quite a period of time. And the steps to take efforts to prepare are so simple, so rudimentary, and so inexpensive that we are hardly justified in not doing it. It involves a modest effort to improve our observation of incoming asteroids or Earth orbit-crossing asteroids as well as comets or whatever else may be out there.

For a modest $1 or $2 million per year we can substantially increase our level of observation to the point where we are detecting if not 100 percent, almost 100 percent of objects which might be affected. And, of course, programs such as the Clementine Program and others that would seek to actually research ways in which we might alter the path of an incoming object at this stage are extremely inexpensive. They fit in well with many programs that the Defense Department already has, and we would be imprudent not to begin to focus on these at this modest level in order to achieve the additional degree of protection which we could conceivably achieve at this point.

So for these and many other reasons, I am strongly supportive of this bill. I look forward to, of course, another fruitful debate on whether or not we ought to continue with the space station. I trust that will not take up more time than is necessary and we can get through with it fairly quickly.

Mr. Chairman, I would like to rise in support of H.R. 1275, the Civilian Space Authorization Act, Fiscal years 1998 and 1999. While H.R. 1275 is not a perfect bill, I believe that it represents a reasonable bipartisan compromise that keeps the Nation's civil space program on course.

I am particularly pleased that the bill provides full funding for NASA's programs. It has been my belief that the Federal Government has not been making an adequate investment in research and development. If uncorrected, the consequences of the underinvestment will do serious damage to our long-term national competitiveness. As many of you know, I have introduced an investment budget proposal that addresses that concern. NASA's activities are an important part of our Nation's overall Federal investment in R&D, and I support H.R. 1275's strong commitment to funding those activities.

There are many features of the bill that I could discuss, but I will confine my remarks to just a few. In particular, I would like to call attention to provisions related to the space station that were added to the bill by Chairman SENSENBRENNER and myself.

I believe that the provisions governing the Russian participation are tough and prudent. We have received much of value from our cooperation with Russia to date, and I hope that that cooperation will continue. Although I have long argued that Russia should not be on the station's critical path, I do not believe that we should end Russia's involvement in the Space Station Program.

Nevertheless, it is important for Russia to honor its commitments to the International Space Station Program if we are to maintain a productive relationship. At the same time, we need to ensure that NASA has credible contingency plans in place in the event that the Russian contributions are further delayed. H.R. 1275 establishes a concrete series of steps to be taken by NASA and the administration to protect our investment in the Space Station Program.

Next, I would note that the bill makes some modest, but important increments to the funding for NASA's science programs. These include funds for the analysis of the data returned from the incredibly productive science missions that have been undertaken over the last several years. In addition, the bill provides a small amount of additional funding to speed the rate at which NASA and the Department of Defense are detecting and cataloging Earth-crossing asteroid and comets. I believe that this investment is a prudent ''insurance policy'' given the consequences for life on Earth if one of these bodies would ever impact the Earth.

One area of concern I have with the bill is language that would hold NASA's innovative Earth System Science Pathfinder Program—for which three contracts have already been awarded—hostage to the Earth science data

purchase initiative. Since I interpret the data purchase provision as one that encourages NASA to buy such data when it is sensible and meets the scientific requirements of Mission to Planet Earth, these two activities appear to be totally unrelated and should not be linked in a punitive manner. Such actions send a chilling message to current and potential bidders of NASA programs. While I will not offer an amendment at this time, I hope that we can work together to remove this restriction prior to enactment.

In closing, I believe that, on balance, H.R. 1275 is a good bill, and I would urge Members to support it.

Mr. SENSENBRENNER. Mr. Chairman, I yield 4 minutes to the gentleman from Florida [Mr. WELDON], the distinguished vice chair of the subcommittee.

Mr. WELDON of Florida. Mr. Speaker, I thank the chairman for yielding me this time and I rise in strong support of H.R. 1275, the Civilian Space Authorization Act, and I commend both the chairman and the ranking member, as well as the subcommittee chairman, the gentleman from California [Mr. ROHRABACHER], and the subcommittee ranking member, the gentleman from Alabama [Mr. CRAMER], as well as the staff for putting together what I feel is a very well balanced and good piece of legislation.

In particular, I would like to associate myself with the remarks of the chairman regarding the Russian participation in the space station and, in particular, in support of the leadership that has been demonstrated by him as well as the ranking member in regard to the continuing ongoing problems with the Russian participation in this space station.

We have all been made aware on the committee, as well as many others in this body, of the tremendous potential that will come from the Space Station Program. We have heard testimony from scientists regarding the tremendous breakthroughs in our understanding of human physiology and disease, in particular as it relates to heart disease, bone disease, as well as the development of new drugs and our better understanding of the transmission of some infectious diseases, such as cholera.

Despite all these exciting developments and the reality that the Space Station Program is well on track, our international partners, such as the Europeans and the Japanese, have spent well beyond $6 billion in preparing their hardware. A critical partner in this project, the Russians, who were brought into the program by the Clinton administration, have been failing to appropriate the necessary funds to fulfill their obligations associated with the program.

Might I say that I feel very strongly that it is in the best interest of our country that the Russians participate in the program, and I would like to see them continue to do so. Reality is such that their economy has not allowed them to support this program, and I, along with the chairman of the subcommittee and the full committee, went to Russia in February and were able to see first hand the serious nature of their internal financial problems.

What has been lacking in dealing with this problem associated with the program is, I believe, a failure of leadership on the part of the White House, and particularly the Office of the Vice President, to clearly define how we are going to get beyond this problem area so that this program can be completed on schedule.

Mr. Chairman, I congratulate again the gentleman from Wisconsin [Mr. SENSENBRENNER] and the gentleman from California [Mr. BROWN] for their amendment that addresses this issue, and I am prepared to work with them to make sure that the space station goes on to become a reality, because I know first hand, as a practicing physician, the tremendous potential scientific benefits as well as medical benefits that we will see from this program.

I also rise in support of many of the other features associated with the program, such as the ongoing funding for the shuttle program, X–33, the Venture Star, as well as X–34, an important test bed technology that will help us develop new technologies for use in space.

I, additionally, want to rise in support of the space science features that are associated with this; and in particular, I want to thank the people at NASA, the men and women, who have worked very hard not only in helping us prepare this legislation but, as well, have been doing more with less for the past 5 years.

There have been many departments within the Federal Government that have been complaining about receiving decreases in the size of their increase. Whereas, NASA has been doing things better, faster, cheaper for a long time; and that is because of the commitment of the men and women at all the NASA centers all throughout our country to making sure that they keep their programs running efficiently and effectively. I would like to rise in strong support of them and again commend the ranking member and the chairman of the subcommittee for their hard work.

Mr. CRAMER. Mr. Chairman, I yield 2 minutes to my relentless colleague, the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. With that generous allocation of time, Mr. Chairman, let me first of all thank the gentleman from Alabama [Mr. CRAMER] for his time and his hard work on this budget and this bill. Let me thank the gentleman from California [Mr. BROWN] and the gentleman from Wisconsin [Mr. SENSENBRENNER] and the gentleman from California [Mr. ROHRABACHER].

Certainly, the tone and the civility and bipartisanship of this committee have made it very, very easy to serve on for the past several months. In that tone, I also want to continue and say, as I rise today, I support about 80 percent of the NASA budget. I do not support a space station that started at $8 billion and now has costs of $100 billion over the lifetime of the contract.

But I do support so many good things that are taking place in this bill that most Americans do not even know about: the great observatories, which includes the Infrared, X ray, the Gamma Ray, and the Human Eye, the Hubble, which in this latest edition of National Geographic we are vividly shown the phenomenal and magnificent pictures that this eye is returning to us here on the ground.

I am a strong supporter of those great observatories and Hubble and the repair mission that the men and women pulled off so successfully in space. The *Galileo*, which explored Jupiter, has shown marvelous results for science. The Clementine project, which helped us map the Moon, I am a strong supporter; better, faster, cheaper, which allows us to get projects off the ground and into space with a cost efficiency that the taxpayer can be very proud of. And then the forgotten ''A'' in the NASA budget, aeronautics, where we helped develop the latest cleaner burning engine and helped our industry here in America compete with fledgling industries in Taiwan and in South Korea, in Japan and with Airbus in Europe.

It is in that context, Mr. Chairman, that we have a declining budget in NASA. We do not want the space station to cannibalize all these other good programs that are going on that return the money to the taxpayer. We want to get NASA back to the days where, for every dollar invested, $7 came back in return; and that is why I will be offering these two amendments later on in this process.

Mr. CRAMER. Mr. Chairman, I yield 3 minutes to my colleague, the gentleman from California [Mr. CAPPS].

Mr. CAPPS. Mr. Chairman, I rise to support the bill to reauthorize NASA. I would like to commend the Chair and ranking member for their work on this legislation. The bill before us provides adequate funding for NASA's important programs and gives the agency needed direction on a number of critical areas.

I also want to add how impressed I am with NASA projects that I have witnessed at close range at Vandenberg Air Force Base in the district that I am privileged to represent. In particular, I am pleased that the bill before us provides full funding for NASA's important Mission to Planet Earth Program.

I am a strong supporter of Mission to Planet Earth and grateful that the committee can work together in a bipartisan basis on this program. NASA has made great strides with this program, cutting the budget bill some 60 percent over the past several years, while continuing to achieve its original goals.

□ 1315

Mission to Planet Earth is a critical program that will expand our knowledge of ourselves, our Earth, and its incredibly complex environmental systems. I am convinced that we should never shrink from the opportunity to grasp such critically important knowledge about ourselves.

But Mission to Planet Earth will be more than the search for knowledge. With its series of orbiting satellites set to begin launching next year, Mission to Planet Earth's ability to accurately monitor and predict long-term climate variability will have great benefits for large sectors of our economy, including such diverse industries as agriculture, financial services, insurance, and disaster management. The ability to predict droughts, floods, and other cataclysmic natural events will reap huge benefits in lives and dollars for years to come.

Mission to Planet Earth information will not only be useful for long-range forecasting, but will have daily applications as well in agriculture. To use one example, farmers will be better able to anticipate irrigation and harvesting needs and disease control and eradication requirements.

As NASA programs add to our knowledge of the entire solar system, we must not lose sight of all that we still do not know about our own glorious world. Mission to Planet Earth will help fill in some of these gaps about our environmental systems, improving our quality of life here on Earth, while we continue to explore the stars and the planets.

I urge my colleagues to support this important legislation.

Mr. CRAMER. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. LAMPSON].

Mr. LAMPSON. I thank the gentleman for yielding me this time.

Mr. Chairman, for the sake of our future, I rise today to support full funding for the International Space Station. I represent the Johnson Space Center and the thousands of men and women whose livelihoods depend upon this project and our commitment to space exploration and research. I am proud to represent them, but I do not want my support for the space station to be viewed as pork-barrel politics, helping only the ninth district of Texas. In fact, we must all support the space station for our future.

I stand before you today to voice this support for the station because of what America learned about its future in 1969. At that time I was teaching physical science at South Park High School in Beaumont, TX, and I saw firsthand how our progress in space culminating in the lunar landing encouraged and inspired students. The prospect of a fully functioning international space station will rekindle our enthusiasm for space and science and lead us to greater discoveries than we can even comprehend today.

I have with me some of the 7,000 letters that were written by science and math teachers from all across America voicing their support for the space station. They know the space station is crucial to the future of science and technology in this Nation. I am proud to speak today on their behalf.

We have an obligation to the future of this Nation and to that of humanity to use our resources to discover and interpret the scientific advancements that can be made through research in space.

As the 19th century philosopher and mathematician W.K. Clifford said:

> You cannot fail to see that scientific thought is not an accompaniment or a condition of human progress, but human progress itself.

Scientists performing research in zero gravity have been able to make tremendous breakthroughs. Their work has already provided new information about the makeup of diseases such as cancer, emphysema, diabetes, heart disease and stroke, viral hepatitis, and influenza. We have all been affected by these illnesses, and we want to utilize every possible resource to find a cure or a successful treatment.

Despite what its detractors say, the international space station is not an amusement park for scientists. It has real world, real life implications for people on this planet. I recognize the need to balance our budget, but the 2.2 cents per day that it will cost each American to fund our portion of the international space station is an investment in healthier, longer lives and new high-technology industries.

An important issue at this point in time is the participation of the Russians in the international space station. We all regret their inability to deliver on their promises. But let us not forget, though, that the Russians were in space before we were and they have expertise that will benefit the space station. While Russia endures difficulty in its political and economic transformation, the international space station keeps the Russian scientific community constructively engaged. This project will help solidify relations between the United States and Russia and all the participating nations. The Russian historian Zhores Medvedev described how scientific progress improves relationships between nations in 1970.

He wrote:

> As science progresses, the worldwide cooperation of scientists and technologists becomes more and more of a special friendship, in which, in place of antagonism, there is a growing up, a mutually advantageous sharing of work, a coordination of efforts and a common language for the exchange of information, and a solidarity, which are in many cases independent of the social and political differences of individual States.

Space is not the domain of any nation. Those of us who have the ability to go into space are still obliged to share its wonders with the world.

In 1969, I watched wide eyed as the future of humanity was instantly and forever changed. I was overwhelmed by the sheer magnitude of what man had been able to accomplish. The promise of space still lies before us. Through the space station we can translate a little more of that promise into better lives for us here on Earth. With 160,000 pounds of flight hardware already constructed, two-thirds of the international development funds already spent and with a launch scheduled, why would we stop now? We cannot.

Mr. CRAMER. Mr. Chairman, I yield 4 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, I thank the distinguished gentleman from Alabama, the subcommittee ranking member, for yielding me this time. I appreciate his leadership on these issues.

Mr. Chairman, I rise in support of the civilian space authorization, H.R. 1275. In doing so I would like to commend the Committee on Science's decision to authorize the President's full fiscal year 1998 funding request of $1.4 billion for NASA's Mission to Planet Earth. The committee's decision to remove from the bill a provision mandating that $200 million of the Mission to Planet Earth budget come from an existing fund, this is a welcome addition.

Mission to Planet Earth research is expanding our understanding of the Earth's environment and natural processes, giving us new insights into how humanity affects and is affected by them, this unique research to yield practical, tangible benefits for all Americans and people around the globe.

Having said this, Mr. Chairman, I must say that my support for this bill has some reservations. There is one very ill-conceived, in my opinion, provision in this bill. I want to declare my intention to work to prevent its inclusion in the Senate bill and in the conference report.

This bill holds hostage one of the most low-cost, cost-effective programs in the NASA budget, the Earth Space Pathfinders Program. Section 127 precludes any and all funding for pathfinder missions unless and until NASA certifies that it will expend $50 million in fiscal 1998 for commercial data buys.

That may be a good policy, but, Mr. Chairman, there is no good reason for this relationship. There is no programmatic link and no legitimate policy reason to justify making the funding of pathfinders projects contingent on expenditures for commercial data buys. This is simply an attempt to force NASA's hand on a program and a concept to which NASA has already demonstrated its commitment.

I would point out to my colleagues that the pathfinders program is the direct product of a recommendation of the National Science Foundation, a recommendation solicited by former Committee on Science Chair Bob Walker. NASA has already approved two ESSP proposals and one alternate. Missions are selected not only for their scientific merit, but for their commercial application and potential as well. By changing the rules in midgame and

effectively yanking the rug from under investigators with existing contracts, this provision threatens not just these contracts but NASA's overall credibility. If enacted, it would chill the willingness of companies and institutions to compete for contracts or develop new applications.

Mr. Chairman, I will vote for the bill because of its support for Mission to Planet Earth and other component parts. In the coming weeks, however, I will be working with my Senate colleagues to ensure that the Senate hopefully does not approve this restriction on the Pathfinder Program.

I thank my friend the gentleman from Alabama, the chairman of the committee, and others for working effectively on this bill and hope that they would look at this particular provision and reconsider its impact both on NASA and on the private sector.

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

Mr. Chairman, in closing on this side because we have no more speakers during general debate, I once again would like to congratulate the chairman of the committee and the chairman of the subcommittee. They have certainly made my few months in this job a pleasure. I have enjoyed working with them, and I think we have accomplished a lot. I particularly enjoy the way the gentleman from California [Mr. ROHRABACHER] has approached the hearings of the committee and I look forward to working with him more thoroughly as we move on through the year.

In closing, I would just like to make the point that NASA is an important part of America's total investment in R&D. NASA has pushed back the boundaries in countless areas of space and technology. We have so much to be thankful to NASA for. Their aeronautics programs have helped stimulate the growth and prosperity of our Nation's aviation industry, an industry that is the envy of all the world. Most importantly, NASA's programs have inspired our youth. NASA's achievements are a proud symbol of America's technological superiority and our citizens have reaped a bountiful harvest from our investment in the space program.

In sum, I believe that H.R. 1275 is a bill that maintains a balanced civil space program and maintains America's leadership in space. I urge my fellow Members to support this bill.

Ms. HARMAN. Mr. Chairman. I rise today to voice my strong support for H.R. 1275, the Civilian Space Authorization Act.

I have said time and time again here on the House floor, and in the Science Committee during the last two Congresses when I had the honor of serving on that committee, that we must provide the Nation with an adequately funded civilian space program which balances human space flight with science, aeronautics, and technology. While we must act swiftly to balance the budget, I believe we must be careful to not make shortsighted cuts in our country's research and development efforts.

In my view, H.R. 1275 gives our Nation a balanced space program. The bill moves us toward a permanent human presence in space, toward new and exciting scientific discoveries, and finally toward the development of a fully-reusable launch vehicle.

I am particularly pleased that this legislation fully-funds NASA's Mission to Planet Earth. From the unique vantage point of space, NASA's Earth observing satellites will help us understand our changing planet. Mission to Planet Earth will provide us with scientific answers to a wide range of global change questions.

We'll learn more about our planet's ozone layer and its polar ice caps. Most importantly, because of its comprehensive nature, Mission to Planet Earth will allow scientists to study the interplay between land, sea, and air here on our planet—perhaps to one day avoid the devastation which the residents of the Northern Plains are currently suffering.

In addition to these and other scientific benefits, Mission to Planet Earth data will have immediate practical applications. Farmers will make use of soil condition information as they seek to better plant their crops. Firefighters are already using NASA remote sensing data to help them battle forest fires. The list goes on and on.

Mr. Chairman, it was unfortunate that the 104th Congress was such a difficult one for Mission to Planet Earth, where the program was tossed around like a partisan football. But today, in a new Congress under new leadership, I would like to congratulate Science Committee Chairman JAMES SENSENBRENNER and Ranking Member GEORGE BROWN; and Space Subcommittee Chairman DANA ROHRABACHER and Ranking Member BUD CRAMER for putting partisanship behind and unifying support for this important program.

I urge my colleagues to support this legislation, which will continue our country's leadership in space well into the 21st century.

Mr. HILLEARY. Mr. Chairman, I rise to encourage the House Members to vote for H.R. 1275, Civilian Space Authorization Act. It is a good bill that authorizes vital programs and includes helpful language that affects the whole country.

This bill has provisions to update the language of the Unitary Wind Tunnel Act of 1949 which originally declared that the NASA Administrator and the Secretary of Defense should jointly develop a plan for construction of:

> Wind tunnel facilities for the solution of research, development, and evaluation problems in aeronautics at educational institutions within the continental limits of the United States for training and research in aeronautics, and to revise the uncompleted portions of the unitary plan from time to time to accord with changes in national defense requirements and scientific and technical advances.

The field of aeronautics has received many advances since this act was last amended in 1958—almost four decades ago. Unfortunately, as this Nation's facilities are showing their age, and the European countries, in a consortium, recently opened a new transonic wind tunnel which is technologically superior to any in the United States. This will have a direct effect on improving the competitiveness of European aircraft in the global market.

Mr. Chairman, just a few short years ago, the U.S. aerospace industry accounted for around 70 percent of the global market, recent reports show that we may have dropped below 50 percent. This loss of market share costs us billions of dollars in our trade deficit and each percentage point of global aerospace market lost by our domestic companies translates into Americans losing their jobs.

A study conducted by the National Research Council [NRC] in 1992 identified that our current wind tunnel facilities are inadequate for maintaining aeronautical superiority into the next century.

I believe that the integrated planning and organizational framework envisioned in the Unitary Wind Tunnel Plan Act of 1949, as amended in H.R. 1275, is a suitable and appropriate vehicle for the planning, development, and operation of aeronautics research and test facilities and activities in transonic, supersonic, and hypersonic flight regimes, since all regimes influence performance, cost and competition for civil aviation directly undertaken in whole or in part by NASA.

Although plans to build a new wind tunnel facility have been deferred, I believe the amendment included in the bill will properly update the Unitary Wind Tunnel Act to account for technological advances.

This will lay the proper foundation in the law should Congress and industry agree to construct new facilities in the future.

I thank Mr. ROHRABACHER for his foresight in adding this technical amendment to the manager's amendment and I encourage my colleagues to support this bill.

Mr. BLILEY. Mr. Chairman, I would like to insert attached letter in the RECORD as part of the debate on H.R. 1275 to note the interests of the Committee on Commerce in this piece of legislation.

APRIL 24, 1997.

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

DEAR MR. SPEAKER: On April 17, 1997, the Committee on Science ordered reported H.R. 1275, the Civilian Space Authorization Act. This measure authorizes appropriations for the National Aeronautics Space Administration (NASA), and other space-related projects that include provisions on interstate and foreign commerce, and communications issues within the jurisdiction of the Committee on Commerce.

The bill has provisions that would regulate ''commercial providers,'' defined in section 3(2) as ''any person providing space transportation services or other space-related activities, primary control of which is'' privately held. Of particular concern in this definition is the term ''space-related activities,'' which would be interpreted to include both commerce and communications activities. In fact, this term could encompass policy and regulatory activities for communications or spectrum operations, including those that involve the use of satellite systems, within the jurisdiction of the Commerce Committee.

Section 303 of the bill, which establishes the Office of Space Commerce, raises similar concerns. For example, one of the six ''primary responsibilities'' of the Office of Space Commerce mandated in section 303(b)(5) would be to represent the Department of Commerce in the ''development of U.S. policies and in negotiations with foreign countries to ensure free and fair trade internationally in the area of space commerce.'' This provision implicates the Commerce Committee's jurisdiction regarding interstate and foreign commerce, particularly

with regard to communications policy in the international marketplace.

With regard to satellite systems, section 321 refers to the use of a NASA Tracking Data Relay Satellite System (TDRSS). The Commerce Committee has jurisdiction over policy or regulations on communications or spectrum activities, including the use of spectrum and orbital locations for satellites used for communications, as well as spectrum interference issues related to satellites, including but not limited to the TRDSS satellites. Therefore, section 321 is of jurisdictional interest to the Commerce Committee.

Nonetheless, recognizing the desire to bring this legislation expeditiously before the House, I will not seek a sequential referral of the bill. However, by not seeking a sequential referral, this Committee does not waive its jurisdictional interest in matters within the purview of the Committee. I would appreciate your support of my effort to seek conferees on all provisions of the bill that are within the Commerce Committee's jurisdiction during any House-Senate conference that may be convened on this legislation.

Sincerely,

TOM BLILEY,
Chairman.

Mr. CRAMER. Mr. Chairman, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I have no further requests for time, and I also yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. LAHOOD). All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered under the 5-minute rule by titles and each title shall be considered read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will designate section 1.

The text of section 1 is as follows:

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Civilian Space Authorization Act, Fiscal Years 1998 and 1999''.

(b) TABLE OF CONTENTS.—

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

TITLE I—AUTHORIZATION OF APPROPRIATIONS

SUBTITLE A—AUTHORIZATIONS

Sec. 101. Human space flight.
Sec. 102. Science, aeronautics, and technology.
Sec. 103. Mission support.
Sec. 104. Inspector General.
Sec. 105. Total authorization.
Sec. 106. Office of Commercial Space Transportation authorization.
Sec. 107. Office of Space Commerce.
Sec. 108. United States-Mexico Foundation for Science.

SUBTITLE B—RESTRUCTURING THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Sec. 111. Findings.
Sec. 112. Restructuring reports.

SUBTITLE C—LIMITATIONS AND SPECIAL AUTHORITY

Sec. 121. Use of funds for construction.
Sec. 122. Availability of appropriated amounts.
Sec. 123. Reprogramming for construction of facilities.
Sec. 124. Consideration by committees.
Sec. 125. Limitation on obligation of unauthorized appropriations.
Sec. 126. Use of funds for scientific consultations or extraordinary expenses.
Sec. 127. Mission to Planet Earth limitation.
Sec. 128. Space operations.
Sec. 129. International Space University Limitation.
Sec. 130. Space Station program responsibilities transfer limitation.

TITLE II—INTERNATIONAL SPACE STATION

Sec. 201. Findings.
Sec. 202. Commercialization of Space Station.
Sec. 203. Space Station accounting reports.
Sec. 204. Report on international hardware agreements.
Sec. 205. International Space Station limitations.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Commercial space launch amendments.
Sec. 302. Requirement for independent cost analysis.
Sec. 303. Office of Space Commerce.
Sec. 304. National Aeronautics and Space Act of 1958 amendments.
Sec. 305. Procurement.
Sec. 306. Acquisition of space science data.
Sec. 307. Commercial space goods and services.
Sec. 308. Acquisition of earth science data.
Sec. 309. EOSDIS report.
Sec. 310. Shuttle privatization.
Sec. 311. Launch voucher demonstration program amendments.
Sec. 312. Use of abandoned and underutilized buildings, grounds, and facilities.
Sec. 313. Cost effectiveness calculations.
Sec. 314. Foreign contract limitation.
Sec. 315. Authority to reduce or suspend contract payments based on substantial evidence of fraud.
Sec. 316. Next Generation Internet.
Sec. 317. Limitations.
Sec. 318. Notice.
Sec. 319. Sense of Congress on the Year 2000 problem.
Sec. 320. National Oceanographic Partnership Program.
Sec. 321. National Science Foundation Antarctic Program.
Sec. 322. Buy American.

The CHAIRMAN pro tempore. Are there amendments to section 1?

Mr. SENSENBRENNER. Mr. Chairman, I ask unanimous consent that the remainder of the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

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

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The National Aeronautics and Space Administration should aggressively pursue actions and reforms directed at reducing institutional costs, including management restructuring, facility consolidation, procurement reform, personnel base downsizing, and convergence with other defense and commercial sector systems.

(2) The National Aeronautics and Space Administration must reverse its current trend toward becoming an operational agency, and return to its proud history as the Nation's leader in basic scientific, air, and space research.

(3) The United States is on the verge of creating and using new technologies in microsatellites, information processing, and space launches that could radically alter the manner in which the Federal Government approaches its space mission.

(4) The overwhelming preponderance of the Federal Government's requirements for routine, nonemergency manned and unmanned space transportation can be met most effectively, efficiently, and economically by a free and competitive market in privately developed and operated space transportation services.

(5) In formulating a national space transportation service policy, the National Aeronautics and Space Administration should aggressively promote the pursuit by commercial providers of development of advanced space transportation technologies including reusable space vehicles, single-stage-to-orbit vehicles, and human space systems.

(6) The Federal Government should invest in the types of research and innovative technology in which United States commercial providers do not invest, while avoiding competition with the activities in which United States commercial providers do invest.

(7) International cooperation in space exploration and science activities serves the United States national interest—

(A) when it—

(i) reduces the cost of undertaking missions the United States Government would pursue unilaterally;

(ii) enables the United States to pursue missions that it could not otherwise afford to pursue unilaterally; or

(iii) enhances United States capabilities to use and develop space for the benefit of United States citizens; and

(B) when it does not—

(i) otherwise harm or interfere with the ability of United States commercial providers to develop or explore space commercially;

(ii) interfere with the ability of Federal agencies to use space to complete their missions;

(iii) undermine the ability of United States commercial providers to compete favorably with foreign entities in the commercial space arena; or

(iv) transfer sensitive or commercially advantageous technologies or knowledge from the United States to other countries or foreign entities except as required by those countries or entities to make their contribution to a multilateral space project in partnership with the United States, or on a quid pro quo basis.

(8) The National Aeronautics and Space Administration and the Department of Defense can cooperate more effectively in leveraging their mutual capabilities to conduct joint space missions that improve United States space capabilities and reduce the cost of conducting space missions.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term ''Administrator'' means the Administrator of the National Aeronautics and Space Administration;

(2) the term ''commercial provider'' means any person providing space transportation services or other space-related activities, primary control of which is held by persons other than Federal, State, local, and foreign governments;

(3) the term ''institution of higher education'' has the meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a));

(4) the term ''State'' means each of the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States; and

(5) the term ''United States commercial provider'' means a commercial provider, organized under the laws of the United States or of a State, which is—

(A) more than 50 percent owned by United States nationals; or

(B) a subsidiary of a foreign company and the Secretary of Transportation finds that—

(i) such subsidiary has in the past evidenced a substantial commitment to the United States market through—

(I) investments in the United States in long-term research, development, and manufacturing (including the manufacture of major components and subassemblies); and

(II) significant contributions to employment in the United States; and

(ii) the country or countries in which such foreign company is incorporated or organized, and, if appropriate, in which it principally conducts its business, affords reciprocal treatment to companies described in subparagraph (A) comparable to that afforded to such foreign company's subsidiary in the United States, as evidenced by—

(I) providing comparable opportunities for companies described in subparagraph (A) to participate in Government sponsored research and development similar to that authorized under this Act;

(II) providing no barriers to companies described in subparagraph (A) with respect to local investment opportunities that are not provided to foreign companies in the United States; and

(III) providing adequate and effective protection for the intellectual property rights of companies described in subparagraph (A).

TITLE I—AUTHORIZATION OF APPROPRIATIONS

Subtitle A—Authorizations

SEC. 101. HUMAN SPACE FLIGHT.

There are authorized to be appropriated to the National Aeronautics and Space Administration for Human Space Flight the following amounts:

(1) For the Space Station—

(A) for fiscal year 1998, $2,121,300,000, of which $400,500,000, notwithstanding section 121(a)—

(i) shall only be for Space Station research or for the purposes described in section 102(2); and

(ii) shall be administered by the Office of Life and Microgravity Sciences and Applications; and

(B) for fiscal year 1999, $2,109,200,000, of which $496,200,000, notwithstanding section 121(a)—

(i) shall only be for Space Station research or for the purposes described in section 102(2); and

(ii) shall be administered by the Office of Life and Microgravity Sciences and Applications.

(2) For Space Shuttle Operations—

(A) for fiscal year 1998, $2,494,400,000; and

(B) for fiscal year 1999, $2,625,600,000.

(3) For Space Shuttle Safety and Performance Upgrades—

(A) for fiscal year 1998, $483,400,000, including related Construction of Facilities for—

(i) Repair of Payload Changeout Room Wall in Ceiling, Pad A, Kennedy Space Center, $2,200,000;

(ii) Restoration of Pad Surface and Slope, Kennedy Space Center, $1,800,000; and

(iii) Rehabilitation of 480V Electrical Distribution System, Kennedy Space Center, $2,800,000; and

(B) for fiscal year 1999, $392,900,000.

(4) For Payload and Utilization Operations—

(A) for fiscal year 1998, $247,400,000; and

(B) for fiscal year 1999, $178,600,000.

SEC. 102. SCIENCE, AERONAUTICS, AND TECHNOLOGY.

There are authorized to be appropriated to the National Aeronautics and Space Administration for Science, Aeronautics, and Technology the following amounts:

(1) For Space Science—

(A) for fiscal year 1998, $2,079,800,000, of which—

(i) $47,600,000 shall be for the Gravity Probe B;

(ii) $5,000,000 shall be for participation in Clementine 2 (Air Force Program Element 0603401F ''Advanced Spacecraft Technology'');

(iii) $3,400,000 shall be for the Near Earth Object Survey;

(iv) $529,400,000 shall be for Mission Operations and Data Analysis, of which $150,000,000 shall be for data analysis; and

(v) $5,000,000 shall be for the Solar B program; and

(B) for fiscal year 1999, $2,085,400,000, of which—

(i) $5,000,000 shall be for participation in Clementine 2 (Air Force Program Element 0603401F ''Advanced Spacecraft Technology'');

(ii) $3,400,000 shall be for the Near Earth Object Survey;

(iii) $561,100,000 shall be for Mission Operations and Data Analysis, of which $184,400,000 shall be for data analysis; and

(iv) $15,000,000 shall be for the Solar B program.

(2) For Life and Microgravity Sciences and Applications—

(A) for fiscal year 1998, $234,200,000, of which—

(i) $2,000,000 shall be for research and early detection systems for breast and ovarian cancer and other women's health issues; and

(ii) $2,000,000, shall be for modifications for the installation of the Bio-Plex, Johnson Space Center; and

(B) for fiscal year 1999, $249,800,000, of which $2,000,000 shall be for research and early detection systems for breast and ovarian cancer and other women's health issues.

(3) For Mission to Planet Earth, subject to the limitations set forth in section 127—

(A) for fiscal year 1998, $1,417,300,000, of which—

(i) $50,000,000 shall be for commercial Earth science data purchases under section 308(a);

(ii) $8,000,000 shall be for continuing operations of the Midcourse Space Experiment spacecraft constructed for the Ballistic Missile Defense Organization, except that such funds may not be obligated unless the Administrator receives independent validation of the scientific requirements for Midcourse Space Experiment data; and

(iii) $10,000,000 shall be for the lightning mapper, except that such funds may not be obligated unless the Administrator receives independent validation of the scientific requirements for lightning mapper data; and

(B) for fiscal year 1999, $1,446,300,000, of which—

(i) $50,000,000 shall be for commercial Earth science data purchases under section 308(a); and

(ii) $10,000,000 shall be for the lightning mapper, except that such funds may not be obligated unless the Administrator receives independent validation of the scientific requirements for lightning mapper data.

(4) For Aeronautics and Space Transportation Technology—

(A) for fiscal year 1998, $1,769,500,000, of which—

(i) $915,100,000 shall be for Aeronautical Research and Technology, of which not more than $35,700,000 shall be for High Performance Computing and Communications;

(ii) $696,600,000 shall be for Advanced Space Transportation Technology, including—

(I) $333,500,000, which shall only be for the X–33 advanced technology demonstration vehicle program, including $3,700,000 for rehabilitation and modification of the B2 test stand, Stennis Space Center;

(II) $150,000,000, which shall only be for a program of focused technology demonstrations to support the competitive awarding of a contract to develop, build, and flight test an experimental single-stage-to-orbit demonstration vehicle, which will be a complementary follow-on to the X–33, and which uses design concepts different from, and technologies more advanced than, the design concepts and technologies used for the X–33 program; and

(III) $150,000,000, which shall only be for the procurement of an experimental vehicle described in subclause (II), after the expiration of 30 days after the Administrator has transmitted to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a written report including a plan for the experimental vehicle program and the projected costs thereof; and

(iii) $157,800,000 shall be for Commercial Technology, of which $10,000,000 shall be for business facilitators, selected by a National Aeronautics and Space Administration Center with an existing State partnership for the purpose of developing business facilitators, from among candidates who receive at least 40 percent State matching funds and who obtain significant participation from local community colleges; and

(B) for fiscal year 1999, $1,816,400,000, of which—

(i) $832,400,000 shall be for Aeronautical Research and Technology;

(ii) $818,600,000 shall be for Advanced Space Transportation Technology, including—

(I) $313,900,000, which shall only be for the X–33 advanced technology demonstration vehicle program;

(II) $425,000,000, which shall only be for the procurement of an experimental vehicle described in subparagraph (A)(ii)(II); and

(III) $40,770,000, which shall only be for the Advanced Space Transportation program; and

(iii) $165,400,000 shall be for Commercial Technology, of which $10,000,000 shall be for business facilitators, selected by a National Aeronautics and Space Administration Center with an existing State partnership for the purpose of developing business facilitators, from among candidates who receive at least 40 percent State matching funds and who obtain significant participation from local community colleges.

(5) For Mission Communication Services—

(A) for fiscal year 1998, $400,800,000; and

(B) for fiscal year 1999, $436,100,000.

(6) For Academic Programs—

(A) for fiscal year 1998, $102,200,000, of which—

(i) $15,300,000 shall be for the National Space Grant College and Fellowship Program; and

(ii) $46,700,000 shall be for minority university research and education, including $31,300,000 for Historically Black Colleges and Universities; and

(B) for fiscal year 1999, $108,000,000, of which $51,700,000 shall be for minority university research and education, including $33,800,000 for Historically Black Colleges and Universities.

SEC. 103. MISSION SUPPORT.

There are authorized to be appropriated to the National Aeronautics and Space Administration for Mission Support the following amounts:

(1) For Safety, Reliability, and Quality Assurance—

(A) for fiscal year 1998, $37,800,000; and

(B) for fiscal year 1999, $43,000,000.

(2) For Space Communication Services—

(A) for fiscal year 1998, $245,700,000; and

(B) for fiscal year 1999, $204,400,000.

(3)(A) For Construction of Facilities, including land acquisition, for fiscal year 1998, $159,400,000, including the following:

(i) Modernization of Process Cooling System, Numerical Aerodynamic Simulation Facility, Ames Research Center, $2,700,000.

(ii) Rehabilitation and Modification of Hangar and Shop, Dryden Flight Research Center, $2,800,000.

(iii) Restoration of Chilled Water Distribution System, Goddard Space Flight Center, $2,400,000.

(iv) Restoration of Space/Terrestrial Application Facility, Goddard Space Flight Center, $4,600,000.

(v) Construction of Emergency Services Facility, Jet Propulsion Laboratory, $4,800,000.

(vi) Upgrade of Utility Annex Chilled Water Plant, Kennedy Space Center, $5,900,000.

(vii) Rehabilitation of High-Voltage System, Lewis Research Center, $9,400,000.

(viii) Modification of Chilled Water System, Marshall Space Flight Center, $7,000,000.

(ix) Minor Revitalization of Facilities at Various Locations, not in excess of $1,500,000 per project, $65,700,000.

(x) Minor construction of new facilities and additions to existing facilities at various locations, $1,100,000.

(xi) Facility planning and design, not otherwise provided for, $19,000,000.

(xii) Environmental compliance and restoration, $34,000,000.

(B) For Construction of Facilities, including land acquisition, for fiscal year 1999, $188,900,000.

(4) For Research and Program Management, including personnel and related costs, travel, and research operations support—

(A) for fiscal year 1998, $2,070,300,000; and

(B) for fiscal year 1999, $2,022,600,000.

SEC. 104. INSPECTOR GENERAL.

There are authorized to be appropriated to the National Aeronautics and Space Administration for Inspector General—

(1) for fiscal year 1998, $18,300,000; and

(2) for fiscal year 1999, $18,600,000.

SEC. 105. TOTAL AUTHORIZATION.

Notwithstanding any other provision of this title, the total amount authorized to be appropriated to the National Aeronautics and Space Administration under this Act shall not exceed—

(1) for fiscal year 1998, $13,881,800,000; and

(2) for fiscal year 1999, $13,925,800,000.

SEC. 106. OFFICE OF COMMERCIAL SPACE TRANSPORTATION AUTHORIZATION.

There are authorized to be appropriated to the Secretary of Transportation for the activities of the Office of Commercial Space Transportation—

(1) for fiscal year 1998, $6,000,000; and

(2) for fiscal year 1999, $6,000,000.

SEC. 107. OFFICE OF SPACE COMMERCE.

There are authorized to be appropriated to the Secretary of Commerce for the activities of the Office of Space Commerce established by section 303 of this Act—

(1) for fiscal year 1998, $500,000; and

(2) for fiscal year 1999, $500,000.

SEC. 108. UNITED STATES-MEXICO FOUNDATION FOR SCIENCE.

There are authorized to be appropriated to the National Aeronautics and Space Administration for the United States-Mexico Foundation for Science—

(1) $1,000,000 for fiscal year 1998; and

(2) $1,000,000 for fiscal year 1999.

Subtitle B—Restructuring the National Aeronautics and Space Administration

SEC. 111. FINDINGS.

The Congress finds that—

(1) the restructuring of the National Aeronautics and Space Administration is essential to accomplishing the space missions of the United States while simultaneously balancing the Federal budget;

(2) to restructure the National Aeronautics and Space Administration rapidly without reducing mission content and safety requires objective financial judgment; and

(3) a formal economic review of its missions and the Federal assets that support them is required in order to plan and implement needed restructuring of the National Aeronautics and Space Administration.

SEC. 112. RESTRUCTURING REPORTS.

(a) IMPLEMENTATION REPORT.—The Administrator shall transmit to Congress, no later than 90 days after the date of the enactment of this Act, a report—

(1) describing its restructuring activities by fiscal year, including, at a minimum, a description of all actions taken or planned to be taken after July 31, 1995, and before October 1, 2002, including contracts terminated or consolidated; reductions in force; relocations of personnel and facilities; sales, closures, or mothballing of capital assets or facilities; and net savings to be realized from such actions by fiscal year; and

(2) describing the status of the implementation of recommendations resulting from the Zero Base Review, particularly with respect to the designation of lead Centers and any increases and decreases in the roles and responsibilities of all Centers.

(b) PROPOSED LEGISLATION.—The President shall propose to Congress, not later than 180 days after the date of the enactment of this Act, all enabling legislation required to carry out actions described by the Administrator's report under subsection (a).

Subtitle C—Limitations and Special Authority

SEC. 121. USE OF FUNDS FOR CONSTRUCTION.

(a) AUTHORIZED USES.—Funds appropriated under sections 101 (1) through (4), 102, and 103 (1) and (2), and funds appropriated for research operations support under section 103(4), may be used for the construction of new facilities and additions to, repair of, rehabilitation of, or modification of existing facilities at any location in support of the purposes for which such funds are authorized.

(b) LIMITATION.—No funds may be expended pursuant to subsection (a) for a project, the estimated cost of which to the National Aeronautics and Space Administration, including collateral equipment, exceeds $500,000, until 30 days have passed after the Administrator has notified the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the nature, location, and estimated cost to the National Aeronautics and Space Administration of such project.

(c) TITLE TO FACILITIES.—If funds are used pursuant to subsection (a) for grants to institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities, title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in the grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to ensure that the United States will receive therefrom benefits adequate to justify the making of that grant.

SEC. 122. AVAILABILITY OF APPROPRIATED AMOUNTS.

To the extent provided in appropriations Acts, appropriations authorized under subtitle A may remain available without fiscal year limitation.

SEC. 123. REPROGRAMMING FOR CONSTRUCTION OF FACILITIES.

(a) IN GENERAL.—Appropriations authorized for construction of facilities under section 101(3)(A) (i) through (iii), 102 (2)(A)(ii) and (4)(A)(ii)(I), or 103(3)—

(1) may be varied upward by 10 percent in the discretion of the Administrator; or

(2) may be varied upward by 25 percent, to meet unusual cost variations, after the expiration of 15 days following a report on the circumstances of such action by the Administrator to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

The aggregate amount authorized to be appropriated for construction of facilities under sections 101(3)(A) (i) through (iii), 102 (2)(A)(ii) and (4)(A)(ii)(I), and 103(3) shall not be increased as a result of actions authorized under paragraphs (1) and (2) of this subsection.

(b) SPECIAL RULE.—Where the Administrator determines that new developments in the national program of aeronautical and space activities have occurred; and that such developments require the use of additional funds for the purposes of construction, expansion, or modification of facilities at any location; and that deferral of such action until the enactment of the next National Aeronautics and Space Administration authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities, the Administrator may use up to $10,000,000 of the amounts authorized under sections 101(3)(A) (i) through (iii), 102 (2)(A)(ii) and (4)(A)(ii)(I), and 103(3) for each fiscal year for such purposes. No such funds may be obligated until a period of 30 days has passed after the Administrator has transmitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives a written report describing the nature of the construction, its costs, and the reasons therefor.

SEC. 124. CONSIDERATION BY COMMITTEES.

Notwithstanding any other provision of law—

(1) no amount appropriated to the National Aeronautics and Space Administration may be used for any program for which the President's annual budget request included a request for funding, but for which the Congress denied or did not provide funding;

(2) no amount appropriated to the National Aeronautics and Space Administration may be used for any program in excess of the amount actually authorized for the particular program under this title; and

(3) no amount appropriated to the National Aeronautics and Space Administration may be used for any program which has not been presented to the Congress in the President's annual budget request or the supporting and ancillary documents thereto,

unless a period of 30 days has passed after the receipt by the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of notice given by the Administrator containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action. The National Aeronautics and Space Administration shall keep the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate fully and currently informed with respect to all activities and responsibilities within the jurisdiction of those committees. Except as otherwise provided by law, any Federal department, agency, or independent establishment shall furnish any information requested by either committee relating to any such activity or responsibility.

SEC. 125. LIMITATION ON OBLIGATION OF UNAUTHORIZED APPROPRIATIONS.

(a) REPORTS TO CONGRESS.—

(1) REQUIREMENT.—Not later than—

(A) 30 days after the later of the date of the enactment of an Act making appropriations to the National Aeronautics and Space Administration for fiscal year 1998 and the date of the enactment of this Act; and

(B) 30 days after the date of the enactment of an Act making appropriations to the National Aeronautics and Space Administration for fiscal year 1999,

the Administrator shall submit a report to Congress and to the Comptroller General.

(2) CONTENTS.—The reports required by paragraph (1) shall specify—

(A) the portion of such appropriations which are for programs, projects, or activities not authorized under subtitle A of this title, or which are in excess of amounts authorized for the relevant program, project, or activity under this Act; and

(B) the portion of such appropriations which are authorized under this Act.

(b) FEDERAL REGISTER NOTICE.—The Administrator shall, coincident with the submission of each report required by subsection (a), publish in the Federal Register a notice of all programs, projects, or activities for which funds are appropriated but which were not authorized under this Act, and solicit public comment thereon regarding the impact of such programs, projects, or activities on the conduct and effectiveness of the national aeronautics and space program.

(c) LIMITATION.—Notwithstanding any other provision of law, no funds may be obligated for any programs, projects, or activities of the National Aeronautics and Space Administration for fiscal year 1998 or 1999 not authorized under this Act until 30 days have passed after the close of the public comment period contained in a notice required by subsection (b).

SEC. 126. USE OF FUNDS FOR SCIENTIFIC CONSULTATIONS OR EXTRAORDINARY EXPENSES.

Not more than $30,000 of the funds appropriated under section 102 may be used for scientific consultations or extraordinary expenses, upon the authority of the Administrator.

SEC. 127. MISSION TO PLANET EARTH LIMITATION.

No funds appropriated pursuant to this Act shall be used for Earth System Science Pathfinders for a fiscal year unless the Administrator has certified to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that at least $50,000,000 are available for that fiscal year for obligations by the Commercial Remote Sensing Program at Stennis Space Center for commercial data purchases under section 308(a). No funds appropriated pursuant to section 102(3) shall—

(1) be transferred to any museum; or

(2) be used for the United States Man and the Biosphere Program, or related projects.

SEC. 128. SPACE OPERATIONS.

No funds appropriated pursuant to this Act shall be used for Phase Two of the Consolidated Space Operations Contract until a period of 30 days has passed after the Administrator has transmitted to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a written report which—

(1) compares the cost-effectiveness of the single cost-plus contract approach of the Consolidated Space Operations Contract and a multiple fixed-price contracts approach;

(2) analyzes the differences in the competition generated through the bidding process used for the Consolidated Space Operations Contract as opposed to multiple fixed-price contracts; and

(3) describes how the Consolidated Space Operations Contract can be transformed into fixed-price contracts, and whether the National Aeronautics and Space Administration intends to make such a transition.

SEC. 129. INTERNATIONAL SPACE UNIVERSITY LIMITATION.

No funds appropriated pursuant to this Act shall be used to pay the tuition or living expenses of any National Aeronautics and Space Administration employee attending the International Space University.

SEC. 130. SPACE STATION PROGRAM RESPONSIBILITIES TRANSFER LIMITATION.

No funds appropriated pursuant to this Act shall be used to transfer any Space Station program responsibilities in effect at any National Aeronautics and Space Administration Center as of October 1, 1996.

TITLE II—INTERNATIONAL SPACE STATION

SEC. 201. FINDINGS.

The Congress finds that—

(1) the development, assembly, and operation of the International Space Station is in the national interest of the United States;

(2) the significant involvement by commercial providers in marketing and using, competitively servicing, and commercially augmenting the operational capabilities of the International Space Station during its assembly and operational phases will lower costs and increase benefits to the international partners; and

(3) when completed, the International Space Station will be the largest, most capable microgravity research facility ever developed. It will provide a lasting framework for conducting large-scale science programs with international partners and it is the next step in the human exploration of space. The United States should commit to completing this program, thereby reaping the benefits of scientific research and international cooperation.

SEC. 202. COMMERCIALIZATION OF SPACE STATION.

(a) POLICY.—The Congress declares that a priority goal of constructing the International Space Station is the economic development of Earth orbital space. The Congress further declares that free and competitive markets create the most efficient conditions for promoting economic development, and should therefore govern the economic development of Earth orbital space. The Congress further declares that the use of free market principles in operating, servicing, allocating the use of, and adding capabilities to the Space Station, and the resulting fullest possible engagement of commercial providers and participation of commercial users, will reduce Space Station operational costs for all partners and the Federal Government's share of the United States burden to fund operations.

(b) REPORTS.—(1) The Administrator shall deliver to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, within 90 days after the date of the enactment of this Act, a study that identifies and examines—

(A) the opportunities for commercial providers to play a role in International Space Station activities, including operation, use, servicing, and augmentation;

(B) the potential cost savings to be derived from commercial providers playing a role in each of these activities;

(C) which of the opportunities described in subparagraph (A) the Administrator plans to make available to commercial providers in fiscal year 1998 and 1999;

(D) the specific policies and initiatives the Administrator is advancing to encourage and facilitate these commercial opportunities; and

(E) the revenues and cost reimbursements to the Federal Government from commercial users of the Space Station.

(2) The Administrator shall deliver to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, within 180 days after the date of the enactment of this Act, an independently-conducted market study that examines and evaluates potential industry interest in providing commercial goods and services for the operation, servicing, and augmentation of the International Space Station, and in the commercial use of the International Space Station. This study shall also include updates to the cost savings and revenue estimates made in the study described in paragraph (1) based on the external market assessment.

(3) The Administrator shall deliver to the Congress, no later than the submission of the President's annual budget request for fiscal year 1999, a report detailing how many proposals (whether solicited or not) the National Aeronautics and Space Administration received during calendar year 1997 regarding commercial operation, servicing, utilization, or augmentation of the International Space Station, broken down by each of these four categories, and specifying how many agreements the National Aeronautics and Space Administration has entered into in response to these proposals, also broken down by these four categories.

SEC. 203. SPACE STATION ACCOUNTING REPORTS.

(a) INITIAL REPORT.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall transmit to the Congress a report containing a description of all Space Station-related agreements entered into by the United States with a foreign entity after September 30, 1993, along with—

(1) a complete accounting of all costs to the United States incurred during fiscal years 1994 through 1996 pursuant to each such agreement; and

(2) an estimate of future costs to the United States pursuant to each such agreement.

(b) ANNUAL REPORTS.—Not later than 60 days after the end of each fiscal year beginning with fiscal year 1997, the Administrator shall transmit to the Congress a report containing a description of all Space Station-related agreements entered into by the United States with a foreign entity during the preceding fiscal year, along with—

(1) a complete accounting of all costs to the United States incurred during that fiscal year pursuant to each such agreement; and

(2) an estimate of future costs to the United States pursuant to each such agreement.

SEC. 204. REPORT ON INTERNATIONAL HARDWARE AGREEMENTS.

Not later than 90 days after the date of the enactment of this Act, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on—

(1) agreements that have been reached with foreign entities to transfer to a foreign entity the development and manufacture of International Space Station hardware baselined to be provided by the United States; and

(2) the impact of those agreements on United States operating costs and United States utilization shares of the International Space Station.

At least 90 days before entering into any additional agreements of the type described in paragraph (1), the Administrator shall report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the nature of the proposed agreement and the anticipated cost, schedule, commercial, and utilization impacts of the proposed agreement.

SEC. 205. INTERNATIONAL SPACE STATION LIMITATIONS.

(a) TRANSFER OF FUNDS TO RUSSIA.—No funds or in-kind payments shall be transferred to any entity of the Russian Government or any Russian contractor to perform work on the International Space Station which the Russian Government pledged, at any time, to provide at its expense. This section shall not apply to the purchase or modification of the Russian built, United States owned Functional Cargo Block, known as the ''FGB''.

(b) CONTINGENCY PLAN FOR RUSSIAN ELEMENTS IN CRITICAL PATH.—The Administrator shall develop and deliver to Congress, within 30 days after the date of the enactment of this Act, a contingency plan for the removal or replacement of each Russian Government element of the International Space Station that lies in the Station's critical path. Such plan shall include—

(1) decision points for removing or replacing those elements if the International Space Station is to be completed by the end of the calendar year 2002;

(2) the cost of implementing each such decision; and

(3) the cost of removing or replacing a Russian Government critical path element after its decision point has passed, if—

(A) the decision at that point was not to remove or replace the Russian Government element; and

(B) the National Aeronautics and Space Administration later determines that the Russian

Government will be unable to provide the critical path element in a manner to allow completion of the International Space Station by the end of calendar year 2002.

(c) MONTHLY CERTIFICATION ON RUSSIAN STATUS.—The Administrator shall certify to the Congress on the first day of each month whether or not the Russians have performed work expected of them and necessary to complete the International Space Station by the end of calendar year 2002. Such certification shall also include a statement of the Administrator's judgment concerning Russia's ability to perform work anticipated and required to complete the International Space Station by the end of 2002 before the next certification under this subsection. Each certification under this subsection shall include a judgment that the first element launch will or will not take place by October 31, 1998.

(d) DECISION ON RUSSIAN CRITICAL PATH ITEMS.—The President shall provide to Congress a decision, by August 1, 1997, on whether or not to proceed with permanent replacement of the Service Module, and each other Russian element in the critical path for completing the International Space Station by the end of calendar year 2002. The President shall certify to Congress the reasons and justification for the decision and the costs associated with the decision. Such decision shall include a judgment that the first element launch will or will not take place by October 31, 1998, and that the stage of assembly complete will or will not take place by December 31, 2002. If the President decides, after August 1, 1997, to proceed with a permanent replacement of the Service Module or any other Russian element in the critical path, the President shall certify to Congress the reasons and justification for the decision to proceed with permanent replacement, and the costs associated with that decision, including the cost difference between making such decision by August 1, 1997, and any later date at which it is made. Such certification shall include a description of the costs of removing or replacing each critical path item, and the schedule for completing the International Space Station by the end of calendar year 2002.

(e) ASTRONAUTS ON MIR.—The National Aeronautics and Space Administration shall not place another United States astronaut on board the Mir Space Station, without the Space Shuttle attached to Mir, until the Administrator certifies to Congress that the Mir Space Station meets or exceeds United States safety standards. Such certification shall be based on an independent review of the safety of the Mir Space Station.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. COMMERCIAL SPACE LAUNCH AMENDMENTS.

(a) AMENDMENTS.—Chapter 701 of title 49, United States Code, is amended—

(1) in the table of sections—

(A) by amending the item relating to section 70104 to read as follows:

''70104. Restrictions on launches, operations, and reentries.'';

(B) by amending the item relating to section 70108 to read as follows:

''70108. Prohibition, suspension, and end of launches, operation of launch sites and reentry sites, and reentries.'';

and

(C) by amending the item relating to section 70109 to read as follows:

''70109. Preemption of scheduled launches or reentries.'';

(2) in section 70101—

(A) by inserting ''microgravity research,'' after ''information services,'' in subsection (a)(3);

(B) by inserting '', reentry,'' after ''launching'' both places it appears in subsection (a)(4);

(C) by inserting '', reentry vehicles,'' after ''launch vehicles'' in subsection (a)(5);

(D) by inserting ''and reentry services'' after ''launch services'' in subsection (a)(6);

(E) by inserting '', reentries,'' after ''launches'' both places it appears in subsection (a)(7);

(F) by inserting '', reentry sites,'' after ''launch sites'' in subsection (a)(8);

(G) by inserting ''and reentry services'' after ''launch services'' in subsection (a)(8);

(H) by inserting ''reentry sites,'' after ''launch sites,'' in subsection (a)(9);

(I) by inserting ''and reentry site'' after ''launch site'' in subsection (a)(9);

(J) by inserting '', reentry vehicles,'' after ''launch vehicles'' in subsection (b)(2);

(K) by striking ''launch'' in subsection (b)(2)(A);

(L) by inserting ''and reentry'' after ''commercial launch'' in subsection (b)(3);

(M) by striking ''launch'' after ''and transfer commercial'' in subsection (b)(3); and

(N) by inserting ''and development of reentry sites,'' after ''launch-site support facilities,'' in subsection (b)(4);

(3) in section 70102—

(A) by striking ''and any payload'' and inserting in lieu thereof ''or reentry vehicle and any payload from Earth'' in paragraph (3);

(B) by inserting ''or reentry vehicle'' after ''means of a launch vehicle'' in paragraph (8);

(C) by redesignating paragraphs (10) through (12) as paragraphs (14) through (16), respectively;

(D) by inserting after paragraph (9) the following new paragraphs:

''(10) 'reenter' and 'reentry' mean to return or attempt to return, purposefully, a reentry vehicle and its payload, if any, from Earth orbit or from outer space to Earth.

''(11) 'reentry services' means—

''(A) activities involved in the preparation of a reentry vehicle and its payload, if any, for reentry; and

''(B) the conduct of a reentry.

''(12) 'reentry site' means the location on Earth to which a reentry vehicle is intended to return (as defined in a license the Secretary issues or transfers under this chapter).

''(13) 'reentry vehicle' means a vehicle designed to return from Earth orbit or outer space to Earth, or a reusable launch vehicle designed to return from outer space substantially intact.''; and

(E) by inserting ''or reentry services'' after ''launch services'' each place it appears in paragraph (15), as so redesignated by subparagraph (C) of this paragraph;

(4) in section 70103(b)—

(A) by inserting ''AND REENTRIES'' after ''LAUNCHES'' in the subsection heading;

(B) by inserting ''and reentries'' after ''space launches'' in paragraph (1); and

(C) by inserting ''and reentry'' after ''space launch'' in paragraph (2);

(5) in section 70104—

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

''§ 70104. Restrictions on launches, operations, and reentries'';

(B) by inserting ''or reentry site, or to reenter a reentry vehicle,'' after ''operate a launch site'' each place it appears in subsection (a);

(C) by inserting ''or reentry'' after ''launch or operation'' in subsection (a) (3) and (4);

(D) in subsection (b)—

(i) by striking ''launch license'' and inserting in lieu thereof ''license'';

(ii) by inserting ''or reenter'' after ''may launch''; and

(iii) by inserting ''or reentering'' after ''related to launching''; and

(E) in subsection (c)—

(i) by amending the subsection heading to read as follows: ''PREVENTING LAUNCHES AND REENTRIES.—'';

(ii) by inserting ''or reentry'' after ''prevent the launch''; and

(iii) by inserting ''or reentry'' after ''decides the launch'';

(6) in section 70105—

(A) by inserting ''or a reentry site, or the reentry of a reentry vehicle,'' after ''operation of a launch site'' in subsection (b)(1); and

(B) by striking ''or operation'' and inserting in lieu thereof '', operation, or reentry'' in subsection (b)(2)(A);

(7) in section 70106(a)—

(A) by inserting ''or reentry site'' after ''observer at a launch site'';

(B) by inserting ''or reentry vehicle'' after ''assemble a launch vehicle''; and

(C) by inserting ''or reentry vehicle'' after ''with a launch vehicle'';

(8) in section 70108—

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

''§ 70108. Prohibition, suspension, and end of launches, operation of launch sites and reentry sites, and reentries'';

and

(B) in subsection (a)—

(i) by inserting ''or reentry site, or reentry of a reentry vehicle,'' after ''operation of a launch site''; and

(ii) by inserting ''or reentry'' after ''launch or operation'';

(9) in section 70109—

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

''§ 70109. Preemption of scheduled launches or reentries'';

(B) in subsection (a)—

(i) by inserting ''or reentry'' after ''ensure that a launch'';

(ii) by inserting '', reentry site,'' after ''United States Government launch site'';

(iii) by inserting ''or reentry date commitment'' after ''launch date commitment'';

(iv) by inserting ''or reentry'' after ''obtained for a launch'';

(v) by inserting '', reentry site,'' after ''access to a launch site'';

(vi) by inserting '', or services related to a reentry,'' after ''amount for launch services''; and

(vii) by inserting ''or reentry'' after ''the scheduled launch''; and

(C) in subsection (c), by inserting ''or reentry'' after ''prompt launching'';

(10) in section 70110—

(A) by inserting ''or reentry'' after ''prevent the launch'' in subsection (a)(2); and

(B) by inserting ''or reentry site, or reentry of a reentry vehicle,'' after ''operation of a launch site'' in subsection (a)(3)(B);

(11) in section 70111—

(A) by inserting ''or reentry'' after ''launch'' in subsection (a)(1)(A);

(B) by inserting ''and reentry services'' after ''launch services'' in subsection (a)(1)(B);

(C) by inserting ''or reentry services'' after ''or launch services'' in subsection (a)(2);

(D) by inserting ''or reentry'' after ''commercial launch'' both places it appears in subsection (b)(1);

(E) by inserting ''or reentry services'' after ''launch services'' in subsection (b)(2)(C);

(F) by striking ''or its payload for launch'' in subsection (d) and inserting in lieu thereof ''or reentry vehicle, or the payload of either, for launch or reentry''; and

(G) by inserting '', reentry vehicle,'' after ''manufacturer of the launch vehicle'' in subsection (d);

(12) in section 70112—

(A) by inserting ''or reentry'' after ''one launch'' in subsection (a)(3);

(B) by inserting ''or reentry services'' after ''launch services'' in subsection (a)(4);

(C) by inserting ''or reentry services'' after ''launch services'' each place it appears in subsection (b);

(D) by inserting ''applicable'' after ''carried out under the'' in paragraphs (1) and (2) of subsection (b);

(E) by inserting ''OR REENTRIES'' after ''LAUNCHES'' in the heading for subsection (e); and

(F) by inserting ''or reentry site or a reentry'' after ''launch site'' in subsection (e);

(13) in section 70113 (a)(1) and (d) (1) and (2), by inserting ''or reentry'' after ''one launch'' each place it appears;

(14) in section 70115(b)(1)(D)(i)—

(A) by inserting ''reentry site,'' after ''launch site,''; and

(B) by inserting ''or reentry vehicle'' after ''launch vehicle'' both places it appears; and

(15) in section 70117—

(A) by inserting ''or reentry site, or to reenter a reentry vehicle'' after ''operate a launch site'' in subsection (a);

(B) by inserting ''or reentry'' after ''approval of a space launch'' in subsection (d);

(C) by amending subsection (f) to read as follows:

''(f) LAUNCH NOT AN EXPORT; REENTRY NOT AN IMPORT.—A launch vehicle, reentry vehicle, or payload that is launched or reentered is not, because of the launch or reentry, an export or import, respectively, for purposes of a law controlling exports or imports.''; and

(D) in subsection (g)—

(i) by striking ''operation of a launch vehicle or launch site,'' in paragraph (1) and inserting in lieu thereof ''reentry, operation of a launch vehicle or reentry vehicle, or operation of a launch site or reentry site,''; and

(ii) by inserting ''reentry,'' after ''launch,'' in paragraph (2).

(b) ADDITIONAL AMENDMENTS.—(1) Section 70105 of title 49, United States Code, is amended—

(A) by inserting ''(1)'' before ''A person may apply'' in subsection (a);

(B) by striking ''receiving an application'' both places it appears in subsection (a) and inserting in lieu thereof ''accepting an application in accordance with criteria established pursuant to subsection (b)(2)(D)'';

(C) by adding at the end of subsection (a) the following new paragraph:

''(2) In carrying out paragraph (1), the Secretary may establish procedures for certification of the safety of a launch vehicle, reentry vehicle, or safety system, procedure, service, or personnel that may be used in conducting licensed commercial space launch or reentry activities.'';

(D) by striking ''and'' at the end of subsection (b)(2)(B);

(E) by striking the period at the end of subsection (b)(2)(C) and inserting in lieu thereof ''; and'';

(F) by adding at the end of subsection (b)(2) the following new subparagraph:

''(D) regulations establishing criteria for accepting or rejecting an application for a license under this chapter within 60 days after receipt of such application.''; and

(G) by inserting '', or the requirement to obtain a license,'' after ''waive a requirement'' in subsection (b)(3).

(2) The amendment made by paragraph (1)(B) shall take effect upon the effective date of final regulations issued pursuant to section 70105(b)(2)(D) of title 49, United States Code, as added by paragraph (1)(F) of this subsection.

(3) Section 70102(5) of title 49, United States Code, is amended—

(A) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(B) by inserting before subparagraph (B), as so redesignated by subparagraph (A) of this paragraph, the following new subparagraph:

''(A) activities directly related to the preparation of a launch site or payload facility for one or more launches;''.

(4) Section 70103(b) of title 49, United States Code, is amended—

(A) in the subsection heading, as amended by subsection (a)(4)(A) of this section, by inserting ''AND STATE SPONSORED SPACEPORTS'' after ''AND REENTRIES''; and

(B) in paragraph (1), by inserting ''and State sponsored spaceports'' after ''private sector''.

(5) Section 70105(a)(1) of title 49, United States Code, as amended by subsection (b)(1) of this section, is amended by inserting at the end the following: ''The Secretary shall submit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a written notice not later than 7 days after any occurrence when a license is not issued within the deadline established by this subsection.''.

(6) Section 70111 of title 49, United States Code, is amended—

(A) in subsection (a)(1), by inserting after subparagraph (B) the following:

''The Secretary shall establish criteria and procedures for determining the priority of competing requests from the private sector and State governments for property and services under this section.'';

(B) by striking ''actual costs'' in subsection (b)(1) and inserting in lieu thereof ''additive costs only''; and

(C) by inserting after subsection (b)(2) the following new paragraph:

''(3) The Secretary shall ensure the establishment of uniform guidelines for, and consistent implementation of, this section by all Federal agencies.''.

(7) Section 70112 of title 49, United States Code, is amended—

(A) in subsection (a)(1), by inserting ''launch, reentry, or site operator'' after ''(1) When a'';

(B) in subsection (b)(1), by inserting ''launch, reentry, or site operator'' after ''(1) A''; and

(C) in subsection (f), by inserting ''launch, reentry, or site operator'' after ''carried out under a''.

(c) REGULATIONS.—(1) Chapter 701 of title 49, United States Code, is amended by adding at the end the following new section:

''§ 70120. Regulations

''The Secretary of Transportation, within 6 months after the date of the enactment of this section, shall issue regulations to carry out this chapter that include—

''(1) guidelines for industry to obtain sufficient insurance coverage for potential damages to third parties;

''(2) procedures for requesting and obtaining licenses to operate a commercial launch vehicle and reentry vehicle;

''(3) procedures for requesting and obtaining operator licenses for launch and reentry; and

''(4) procedures for the application of government indemnification.''.

(2) The table of sections for such chapter 701 is amended by adding after the item relating to section 70119 the following new item:

''70120. Regulations.''.

(d) REPORT TO CONGRESS.—(1) Chapter 701 of title 49, United States Code, is further amended by adding at the end the following new section:

''§ 70121. Report to Congress

''The Secretary of Transportation shall submit to Congress an annual report to accompany the President's budget request that—

''(1) describes all activities undertaken under this chapter, including a description of the process for the application for and approval of licenses under this chapter and recommendations for legislation that may further commercial launches and reentries; and

''(2) reviews the performance of the regulatory activities and the effectiveness of the Office of Commercial Space Transportation.''.

(2) The table of sections for such chapter 701 is further amended by adding after the item relating to section 70120, as added by subsection (c)(2) of this section, the following new item:

''70121. Report to Congress.''.

SEC. 302. REQUIREMENT FOR INDEPENDENT COST ANALYSIS.

Before any funds may be obligated for Phase C of a project that is projected to cost more than $75,000,000 in total project costs, the Chief Financial Officer for the National Aeronautics and Space Administration shall conduct an independent cost analysis of such project and shall report the results to Congress. In developing cost accounting and reporting standards for carrying out this section, the Chief Financial Officer shall, to the extent practicable and consistent with other laws, solicit the advice of expertise outside of the National Aeronautics and Space Administration.

SEC. 303. OFFICE OF SPACE COMMERCE.

(a) ESTABLISHMENT.—There is established within the Department of Commerce an Office of Space Commerce.

(b) FUNCTIONS.—The Office of Space Commerce shall be the principal unit for the coordination of space-related issues, programs, and initiatives within the Department of Commerce. The Office's primary responsibilities shall include—

(1) promoting commercial provider investment in space activities by collecting, analyzing, and disseminating information on space markets, and conducting workshops and seminars to increase awareness of commercial space opportunities;

(2) assisting United States commercial providers in their efforts to do business with the United States Government, and acting as an industry advocate within the executive branch to ensure that the Federal Government meets its space-related requirement, to the fullest extent feasible, with commercially available space goods and services;

(3) ensuring that the United States Government does not compete with United States commercial providers in the provision of space hardware and services otherwise available from United States commercial providers;

(4) promoting the export of space-related goods and services;

(5) representing the Department of Commerce in the development of United States policies and in negotiations with foreign countries to ensure free and fair trade internationally in the area of space commerce; and

(6) seeking the removal of legal, policy, and institutional impediments to space commerce.

SEC. 304. NATIONAL AERONAUTICS AND SPACE ACT OF 1958 AMENDMENTS.

(a) DECLARATION OF POLICY AND PURPOSE.—Section 102 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451) is amended—

(1) by striking subsection (f) and redesignating subsections (g) and (h) as subsections (f) and (g), respectively; and

(2) in subsection (g), as so redesignated by paragraph (1) of this subsection, by striking ''(f), and (g)'' and inserting in lieu thereof ''and (f)''.

(b) REPORTS TO THE CONGRESS.—Section 206(a) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2476(a)) is amended—

(1) by striking ''January'' and inserting in lieu thereof ''May''; and

(2) by striking ''calendar'' and inserting in lieu thereof ''fiscal''.

(c) DISCLOSURE OF TECHNICAL DATA.—Section 303 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2454) is amended—

(1) in subsection (a)(C), by inserting ''or (c)'' after ''subsection (b)''; and

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

''(c)(1) The Administrator may, and at the request of a private sector entity shall, delay for a period of at least one day, but not to exceed 5 years, the unrestricted public disclosure of technical data in the possession of, or under the control of, the Administration that has been generated in the performance of experimental, developmental, or research activities or programs funded jointly by the Administration and such private sector entity.

''(2) Within 1 year after the date of the enactment of the Civilian Space Authorization Act,

Fiscal Years 1998 and 1999, the Administrator shall issue regulations to carry out this subsection. Paragraph (1) shall not take effect until such regulations are issued.

''(3) Regulations issued pursuant to paragraph (2) shall include—

''(A) guidelines for a determination of whether data is technical data within the meaning of this subsection;

''(B) provisions to ensure that technical data is available for dissemination within the United States to United States persons and entities in furtherance of the objective of maintaining leadership or competitiveness in civil and governmental aeronautical and space activities by the United States industrial base; and

''(C) a specification of the period or periods for which the delay in unrestricted public disclosure of technical data is to apply to various categories of such data, and the restrictions on disclosure of such data during such period or periods, including a requirement that the maximum 5-year protection under this subsection shall not be provided unless at least 50 percent of the funding for the activities or programs is provided by the private sector.

''(4) The Administrator shall annually report to the Congress all determinations made under paragraph (1).

''(5) For purposes of this subsection, the term 'technical data' means any recorded information, including computer software, that is or may be directly applicable to the design, engineering, development, production, manufacture, or operation of products or processes that may have significant value in maintaining leadership or competitiveness in civil and governmental aeronautical and space activities by the United States industrial base.''.

SEC. 305. PROCUREMENT.

(a) PROCUREMENT DEMONSTRATION PROGRAM.—

(1) IN GENERAL.—The Administrator shall establish a program of expedited technology procurement for the purpose of demonstrating how innovative technology concepts can rapidly be brought to bear upon space missions of the National Aeronautics and Space Administration.

(2) PROCEDURES AND EVALUATION.—The Administrator shall establish procedures for actively seeking from persons outside the National Aeronautics and Space Administration innovative technology concepts, relating to the provision of space hardware, technology, or service to the National Aeronautics and Space Administration.

(3) SPECIAL AUTHORITY.—In order to carry out this subsection the Administrator shall recruit and hire for limited term appointments persons from outside the National Aeronautics and Space Administration with special expertise and experience related to the innovative technology concepts with respect to which procurements are made under this subsection.

(4) SUNSET.—This subsection shall cease to be effective 10 years after the date of its enactment.

(b) TECHNOLOGY PROCUREMENT INITIATIVE.—

(1) IN GENERAL.—The Administrator shall coordinate National Aeronautics and Space Administration resources in the areas of procurement, commercial programs, and advanced technology in order to—

(A) fairly assess and procure commercially available technology from the marketplace in the most efficient manner practicable;

(B) achieve a continuous pattern of integrating advanced technology from the commercial sector, and from Federal sources outside the National Aeronautics and Space Administration, into the missions and programs of the National Aeronautics and Space Administration;

(C) incorporate private sector buying and bidding procedures, including fixed price contracts, into procurements; and

(D) provide incentives for cost-plus contractors of the National Aeronautics and Space Administration to integrate commercially available technology in subsystem contracts on a fixed-price basis.

(2) CERTIFICATION.—Upon solicitation of any procurement for space hardware, technology, or services that are not commercially available, the Administrator shall certify, by publication of a notice and opportunity to comment in the Commerce Business Daily, for each such procurement action, that no functional equivalent, commercially, available space hardware, technology, or service exists and that no commercial method of procurement is available.

SEC. 306. ACQUISITION OF SPACE SCIENCE DATA.

(a) ACQUISITION FROM COMMERCIAL PROVIDERS.—The Administrator shall, to the maximum extent possible and while satisfying the scientific requirements of the National Aeronautics and Space Administration, acquire, where cost effective, space science data from a commercial provider.

(b) TREATMENT OF SPACE SCIENCE DATA AS COMMERCIAL ITEM UNDER ACQUISITION LAWS.—Acquisitions of space science data by the Administrator shall be carried out in accordance with applicable acquisition laws and regulations (including chapters 137 and 140 of title 10, United States Code), except that space science data shall be considered to be a commercial item for purposes of such laws and regulations (including section 2306a of title 10, United States Code (relating to cost or pricing data), section 2320 of such title (relating to rights in technical data) and section 2321 of such title (relating to validation of proprietary data restrictions)).

(c) DEFINITION.—For purposes of this section, the term ''space science data'' includes scientific data concerning the elemental and mineralogical resources of the moon and the planets, Earth environmental data obtained through remote sensing observations, and solar storm monitoring.

(d) SAFETY STANDARDS.—Nothing in this section shall be construed to prohibit the Federal Government from requiring compliance with applicable safety standards.

(e) LIMITATION.—This section does not authorize the National Aeronautics and Space Administration to provide financial assistance for the development of commercial systems for the collection of space science data.

SEC. 307. COMMERCIAL SPACE GOODS AND SERVICES.

The National Aeronautics and Space Administration shall purchase commercially available space goods and services to the fullest extent feasible, and shall not conduct activities that preclude or deter commercial space activities except for reasons of national security or public safety. A space good or service shall be deemed commercially available if it is offered by a United States commercial provider, or if it could be supplied by a United States commercial provider in response to a Government procurement request. For purposes of this section, a purchase is feasible if it meets mission requirements in a cost-effective manner.

SEC. 308. ACQUISITION OF EARTH SCIENCE DATA.

(a) ACQUISITION.—For purposes of meeting Government goals for Mission to Planet Earth, the Administrator shall, to the maximum extent possible and while satisfying the scientific requirements of the National Aeronautics and Space Administration, acquire, where cost-effective, space-based and airborne Earth remote sensing data, services, distribution, and applications from a commercial provider.

(b) TREATMENT AS COMMERCIAL ITEM UNDER ACQUISITION LAWS.—Acquisitions by the Administrator of the data, services, distribution, and applications referred to in subsection (a) shall be carried out in accordance with applicable acquisition laws and regulations (including chapters 137 and 140 of title 10, United States Code), except that such data, services, distribution, and applications shall be considered to be a commercial item for purposes of such laws and regulations (including section 2306a of title 10, United States Code (relating to cost or pricing data), section 2320 of such title (relating to rights in technical data) and section 2321 of such title (relating to validation of proprietary data restrictions)).

(c) STUDY.—(1) The Administrator shall conduct a study to determine the extent to which the baseline scientific requirements of Mission to Planet Earth can be met by commercial providers, and how the National Aeronautics and Space Administration will meet such requirements which cannot be met by commercial providers.

(2) The study conducted under this subsection shall—

(A) make recommendations to promote the availability of information from the National Aeronautics and Space Administration to commercial providers to enable commercial providers to better meet the baseline scientific requirements of Mission to Planet Earth;

(B) make recommendations to promote the dissemination to commercial providers of information on advanced technology research and development performed by or for the National Aeronautics and Space Administration; and

(C) identify policy, regulatory, and legislative barriers to the implementation of the recommendations made under this subsection.

(3) The results of the study conducted under this subsection shall be transmitted to the Congress within 6 months after the date of the enactment of this Act.

(d) SAFETY STANDARDS.—Nothing in this section shall be construed to prohibit the Federal Government from requiring compliance with applicable safety standards.

(e) ADMINISTRATION AND EXECUTION.—This section shall be carried out as part of the Commercial Remote Sensing Program at the Stennis Space Center.

SEC. 309. EOSDIS REPORT.

Not later than 90 days after the date of the enactment of this Act, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report which contains—

(1) an analysis of the scientific capabilities, costs, and schedule of the Earth Observing System Data and Information System (EOSDIS);

(2) an identification and analysis of the threats to the success of the EOSDIS Core System; and

(3) a plan and cost estimates for resolving the threats identified under paragraph (2) to the EOSDIS Core System before the launch of the Earth Observing System satellite known as PM–1.

SEC. 310. SHUTTLE PRIVATIZATION.

(a) POLICY AND PREPARATION.—The Administrator shall prepare for an orderly transition from the Federal operation, or Federal management of contracted operation, of space transportation systems to the Federal purchase of commercial space transportation services for all nonemergency launch requirements, including human, cargo, and mixed payloads. In those preparations, the Administrator shall take into account the need for short-term economies, as well as the goal of restoring the National Aeronautics and Space Administration's research focus and its mandate to promote the fullest possible commercial use of space. As part of those preparations, the Administrator shall plan for the potential privatization of the Space Shuttle program. Such plan shall keep safety and cost effectiveness as high priorities. Nothing in this section shall prohibit the National Aeronautics and Space Administration from studying, designing, developing, or funding upgrades or modifications essential to the safe and economical operation of the Space Shuttle fleet.

(b) FEASIBILITY STUDY.—The Administrator shall conduct a study of the feasibility of implementing the recommendation of the Independent Shuttle Management Review Team that the National Aeronautics and Space Administration

transition toward the privatization of the Space Shuttle. The study shall identify, discuss, and, where possible, present options for resolving, the major policy and legal issues that must be addressed before the Space Shuttle is privatized, including—

(1) whether the Federal Government or the Space Shuttle contractor should own the Space Shuttle orbiters and ground facilities;

(2) whether the Federal Government should indemnify the contractor for any third party liability arising from Space Shuttle operations, and, if so, under what terms and conditions;

(3) whether payloads other than National Aeronautics and Space Administration payloads should be allowed to be launched on the Space Shuttle, how missions will be prioritized, and who will decide which mission flies and when;

(4) whether commercial payloads should be allowed to be launched on the Space Shuttle and whether any classes of payloads should be made ineligible for launch consideration;

(5) whether National Aeronautics and Space Administration and other Federal Government payloads should have priority over non-Federal payloads in the Space Shuttle launch assignments, and what policies should be developed to prioritize among payloads generally;

(6) whether the public interest requires that certain Space Shuttle functions continue to be performed by the Federal Government; and

(7) how much cost savings, if any, will be generated by privatization of the Space Shuttle.

(c) REPORT TO CONGRESS.—Within 60 days after the date of the enactment of this Act, the National Aeronautics and Space Administration shall complete the study required under subsection (b) and shall submit a report on the study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives.

SEC. 311. LAUNCH VOUCHER DEMONSTRATION PROGRAM AMENDMENTS.

Section 504 of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1993 (15 U.S.C. 5803) is amended—

(1) in subsection (a)—

(A) by striking ''the Office of Commercial Programs within''; and

(B) by striking ''Such program shall not be effective after September 30, 1995.'';

(2) by striking subsection (c); and

(3) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 312. USE OF ABANDONED AND UNDERUTILIZED BUILDINGS, GROUNDS, AND FACILITIES.

(a) IN GENERAL.—In meeting the needs of the National Aeronautics and Space Administration for additional facilities, the Administrator, whenever feasible, shall select abandoned and underutilized buildings, grounds, and facilities in depressed communities that can be converted to National Aeronautics and Space Administration facilities at a reasonable cost, as determined by the Administrator.

(b) DEFINITIONS.—For purposes of this section, the term ''depressed communities'' means rural and urban communities that are relatively depressed, in terms of age of housing, extent of poverty, growth of per capita income, extent of unemployment, job lag, or surplus labor.

SEC. 313. COST EFFECTIVENESS CALCULATIONS.

In calculating the cost effectiveness of the cost of the National Aeronautics and Space Administration engaging in an activity as compared to a commercial provider, the Administrator shall compare the cost of the National Aeronautics and Space Administration engaging in the activity using full cost accounting principles with the price the commercial provider will charge for such activity.

SEC. 314. FOREIGN CONTRACT LIMITATION.

The National Aeronautics and Space Administration shall not enter into any agreement or contract with a foreign government that grants the foreign government the right to recover profit in the event that the agreement or contract is terminated.

SEC. 315. AUTHORITY TO REDUCE OR SUSPEND CONTRACT PAYMENTS BASED ON SUBSTANTIAL EVIDENCE OF FRAUD.

Section 2307(h)(8) of title 10, United States Code, is amended by striking ''and (4)'' and inserting in lieu thereof ''(4), and (6)''.

SEC. 316. NEXT GENERATION INTERNET.

None of the funds authorized by this Act, or any other Act enacted before the date of the enactment of this Act, may be used for the Next Generation Internet. Notwithstanding the previous sentence, funds may be used for the continuation of programs and activities that were funded and carried out during fiscal year 1997.

SEC. 317. LIMITATIONS.

(a) PROHIBITION OF LOBBYING ACTIVITIES.—None of the funds authorized by this Act and the amendments made by this Act shall be available for any activity whose purpose is to influence legislation pending before the Congress, except that this subsection shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member or to Congress, through the proper channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

(b) LIMITATION ON APPROPRIATIONS.—No sums are authorized to be appropriated to the Administrator for fiscal years 1998 and 1999 for the activities for which sums are authorized by this Act and the amendments made by this Act, unless such sums are specifically authorized to be appropriated by this Act or the amendments made by this Act.

(c) ELIGIBILITY FOR AWARDS.—

(1) IN GENERAL.—The Administrator shall exclude from consideration for grant agreements made by the National Aeronautics and Space Administration after fiscal year 1997 any person who received funds, other than those described in paragraph (2), appropriated for a fiscal year after fiscal year 1997, under a grant agreement from any Federal funding source for a project that was not subjected to a competitive, merit-based award process. Any exclusion from consideration pursuant to this subsection shall be effective for a period of 5 years after the person receives such Federal funds.

(2) EXCEPTION.—Paragraph (1) shall not apply to the receipt of Federal funds by a person due to the membership of that person in a class specified by law for which assistance is awarded to members of the class according to a formula provided by law.

(3) DEFINITION.—For purposes of this subsection, the term ''grant agreement'' means a legal instrument whose principal purpose is to transfer a thing of value to the recipient to carry out a public purpose of support or stimulation authorized by a law of the United States, and does not include the acquisition (by purchase, lease, or barter) of property or services for the direct benefit or use of the United States Government. Such term does not include a cooperative agreement (as such term is used in section 6305 of title 31, United States Code) or a cooperative research and development agreement (as such term is defined in section 12(d)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1))).

SEC. 318. NOTICE.

(a) NOTICE OF REPROGRAMMING.—If any funds authorized by this Act or the amendments made by this Act are subject to a reprogramming action that requires notice to be provided to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall concurrently be provided to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(b) NOTICE OF REORGANIZATION.—The Administrator shall provide notice to the Committees on Science and Appropriations of the House of Representatives, and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, not later than 15 days before any major reorganization of any program, project, or activity of the National Aeronautics and Space Administration.

SEC. 319. SENSE OF CONGRESS ON THE YEAR 2000 PROBLEM.

With the year 2000 fast approaching, it is the sense of Congress that the National Aeronautics and Space Administration should—

(1) give high priority to correcting all 2-digit date-related problems in its computer systems to ensure that those systems continue to operate effectively in the year 2000 and beyond;

(2) assess immediately the extent of the risk to the operations of the National Aeronautics and Space Administration posed by the problems referred to in paragraph (1), and plan and budget for achieving Year 2000 compliance for all of its mission-critical systems; and

(3) develop contingency plans for those systems that the National Aeronautics and Space Administration is unable to correct in time.

SEC. 320. NATIONAL OCEANOGRAPHIC PARTNERSHIP PROGRAM.

The National Aeronautics and Space Administration is authorized to participate in the National Oceanic Partnership Program established by the National Oceanic Partnership Act (Public Law 104–201).

SEC. 321. NATIONAL SCIENCE FOUNDATION ANTARCTIC PROGRAM.

If the Administrator determines that excess capacity is available on the Tracking Data Relay Satellite System (TDRSS), the Administrator shall give strong consideration to meeting the needs of the National Science Foundation Antarctic Program.

SEC. 322. BUY AMERICAN.

(a) COMPLIANCE WITH BUY AMERICAN ACT.—No funds appropriated pursuant to this Act or the amendments made by this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the ''Buy American Act'').

(b) SENSE OF CONGRESS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act or the amendments made by this Act, it is the sense of Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(c) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act or the amendments made by this Act, the Administrator shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

The CHAIRMAN pro tempore. Are there any amendments?

AMENDMENT NO. 6 OFFERED BY MR. ROHRABACHER

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. ROHRABACHER:

Page 31, lines 13 through 18, strike section 130.

Page 2, in the table of contents, strike the item relating to section 130.

Page 62, lines 11 and 12, strike ''moon and the planets'' and insert ''moon, asteroids, planets and their moons, and comets''.

Page 75, after line 12, insert the following new section:

SEC. 323. UNITARY WIND TUNNEL PLAN ACT OF 1949 AMENDMENTS.

The Unitary Wind Tunnel Plan Act of 1949 is amended—

(1) in section 101 (50 U.S.C. 511) by striking ''transsonic and supersonic'' and inserting in lieu thereof ''transsonic, supersonic, and hypersonic''; and

(2) in section 103 (50 U.S.C. 513)—

(A) by striking ''laboratories'' in subsection (a) and inserting in lieu thereof ''laboratories and centers'';

(B) by striking ''supersonic'' in subsection (a) and inserting in lieu thereof ''transsonic, supersonic, and hypersonic'', and

(C) by striking ''laboratory'' in subsection (c) and inserting in lieu thereof ''facility''.

Page 3, in the table of contents, after the item relating to section 322, insert the following:

''Sec. 323. Unitary Wind Tunnel Plan Act of 1949 amendments.''.

Mr. ROHRABACHER. Mr. Chairman, this bipartisan manager's amendment was crafted from 3 distinct minor amendments which have no impact on the funding level of this bill and simply fine-tune or add policy provisions.

The first part authored by the distinguished ranking member of the Subcommittee on Space and Aeronautics strikes a policy provision relating to freezing Space Station management responsibilities we had included in the bill at the time of the markup, and I support the language of the gentleman from Alabama [Mr. CRAMER]. The second part is a clarification of the range of scientific data we are recommending that NASA purchase from the commercial data providers.

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There has been a lot of interest in comets and asteroids as of late. We did not want to leave them out.

Now the third part is an amendment by the gentleman from Tennessee [Mr. HILLEARY] which was offered successfully in the last Congress to perfect the language of the Unitary Wind Tunnel Plan Act of 1949 based on technological progress that has been made since 1949, and I support Mr. HILLEARY'S language.

As further evidence of how bipartisan our work in this bill has been, each of these parts were agreed to by the minority side, and so I combined them into a single amendment to save our time here on the floor.

Mr. Chairman, I yield to the gentleman from Alabama [Mr. CRAMER].

Mr. CRAMER. Mr. Chairman, I rise in support of the en bloc amendment. I will have an amendment to the amendment, but I do support the manager's amendment.

Mr. ROHRABACHER. Mr. Chairman, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. CRAMER TO THE AMENDMENT OFFERED BY MR. ROHRABACHER

Mr. CRAMER. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. CRAMER to the amendment offered by Mr. ROHRABACHER: At the end of the amendment add the following:

Page 14, line 14, strike ''$915,100,000'' and insert ''$920,100,000''.

Page 16, strike lines 4 through 14 and insert the following:

(iii) 152,800,000 shall be for Commercial Technology, of which $5,000,000 shall be for business facilitators, selected by the National Aeronautics and Space Administration from among candidates who receive at least 25 percent of their resources from non-Federal sources; and

Page 16, line 17, strike ''$832,400,000'' and insert ''$837,400,000''.

Page 17, strike lines 8 through 17 and insert the following:

(iii) $160,400,000 shall be for Commercial Technology, of which $5,000,000 shall be for business facilitators, selected by the National Aeronautics and Space Administration from among candidates who receive at least 25 percent of their resources from non-Federal sources.

Mr. CRAMER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. (Mr. QUINN). Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. CRAMER. Mr. Chairman, the intent of my amendment is to insure the provisions in the bill dealing with the business incubators. Business incubators create a level playing field for the future establishment of additional incubators. I commend my colleague from Florida [Mr. WELDON], who was here earlier on his interest and support for the future establishment of these incubators and his willingness to work with me on this issue.

Mr. Chairman, my amendment enjoys bipartisan support, and I urge its adoption.

Mr. WELDON of Florida. Mr. Chairman, I rise in support of the change in language offered by the gentleman from Alabama. I have no intention to oppose this amendment, but accept this amendment. I am happy to craft the language in such a way that business incubators would be available at other NASA centers that currently are not taking advantage of this, I think an excellent tool to make sure that the technology that is developed within NASA is better transmitted out into the economy where it can accrue to the benefit of all the people of the United States.

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

Mr. WELDON of Florida. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, the majority accepts this amendment, and I would like to point out that it does have an offset so there is no increase to the authorization of the bill. There is an offset from another section of the bill. I think that is the way we ought to be considering these amendments, and I would encourage the committee to adopt the amendment to the amendment.

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

Mr. Chairman, I also accept the amendment, and I commend both the gentleman from Alabama [Mr. CRAMER] and the gentleman from Florida [Mr. WELDON] for the work they have put in to insuring as we did work in this committee that we did not overlook the very positive program that both of them believe in, and because of their hard work and diligence we have managed to fund this and make sure that it will continue through the years.

Mr. KUCINICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the NASA space, the civilian space authorization bill, and I commend my colleagues on the Committee on Science and on the Subcommittee on Space and Aeronautics for reporting out a well balanced and reasonable authorization bill that will maintain our Nation's leadership in using space science to enhance research and development efforts. The bill continues our commitment to the space station while improving congressional oversight of international cooperation in the construction of the space station. It moves forward in the orderly process of promoting the commercial use of both the space station and the space shuttle. The Office of Space Commerce will provide a secure location to advance this sort of activity.

I am particularly impressed by the progress being made in the mission to Planet Earth. This project will pay major dividends for the understanding of our global environment. Through the Earth observing system that is part of this project, NASA will be able to collect very important data on the level of ozone in the atmosphere, the impact of climate changes on long-term weather patterns and the relationship between gases in the atmosphere and productive land use management. This project is providing the scientific foundation for sustainable development on our planet. I look forward to continued progress on experiments with microgravity, one of the areas of concentration of the NASA Lewis Research Center outside of the city of Cleveland in my district.

Mr. Chairman, the international space station will provide an ongoing environment for advanced microgravity experiments. Those experiments will help our country conduct the basic research needed to treat diseases, develop new generations of plastics and better understand the growth of plants.

Mr. Chairman, it is with pride that I urge my colleagues to support the civilian space authorization bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama [Mr. CRAMER] to the amendment offered by the gentleman from California [Mr. ROHRABACHER].

The amendment to the amendment was agreed to.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California [Mr. ROHRABACHER], as amended.

The amendment, as amended, was agreed to.

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

Mr. Speaker, I rise today in support of H.R. 1275. As we debate the authorization of the civilian space program I wish to remind my colleagues of the importance of investing in NASA. Throughout the years there have been calls to abandon our commitment to technological advancement by shifting funding from these important programs. Having the foresight to resist these efforts and invest in our future has yielded critical advancements in areas such as medicine, public safety, consumer products and transportation. These spinoffs include safety improvements for our school buses, water purification systems for our homes, emergency rescue cutters to free accident victims and enhanced alarm systems for our prison guards, the elderly and the disabled.

Particularly in health care, the advancements due to NASA have been remarkable. We have developed a digital imaging breast biopsy system which greatly improves the treatment and cost of surgical biopsies. As we work together in this body to help women with breast cancer, this nonsurgical tool has been and will continue to be an essential part of safer, less traumatic treatment. And instead of having to use the less accurate, more painful thermometer, Mr. Chairman, I hold in my hand, thanks to NASA technology, we now have this ear thermometer which would not have been developed if it had not been for NASA. It has helped physicians improve the treatment of our own children.

I bring this device to the floor today to highlight the importance of this vote. This thermometer is an excellent example of the advancement that has developed directly from our investing in NASA.

This is an important vote today. It is easy to say we are for improving people's day-to-day lives, but it is another actually to vote in a manner that achieves that goal. While we all are conscious of reining in our spending practices by cutting programs that have failed to meet the objective, I rise today to say that NASA is not one of these programs, and I urge my colleagues to support the space program and the space station and to allow us to continue developing critical technology that improves our lives.

The CHAIRMAN pro tempore. Are there any other amendments?

AMENDMENT OFFERED BY MR. ROEMER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ROEMER: Page 9, line 12, through page 10, line 6, amend paragraph (1) to read as follows:

(1) For the Space Station, for expenses necessary to terminate the program, for fiscal year 1998, $500,000,000.

Page 13, line 9, strike ''308(a)'' and insert in lieu thereof ''208(a)''.

Page 14, line 3, strike ''308(a)'' and insert in lieu thereof ''208(a)''.

Page 21, line 6, strike ''$13,881,800,000'' and insert in lieu thereof ''$12,260,500,000''.

Page 21, line 7, strike ''$13,925,800,000'' and insert in lieu thereof ''$11,816,600,000''.

Page 21, line 18, strike ''303'' and insert in lieu thereof ''203''.

Page 23, line 21, strike ''(1) through (4)'' and insert in lieu thereof ''(2) through (4)''.

Page 30, line 6, strike ''308(a)'' and insert in lieu thereof ''208(a)''.

Page 31, line 13 through 18, strike section 130.

Page 31, line 19, through page 40, line 3, strike title II.

Page 40, line 4, redesignate title II as title II.

Page 40, line 6, through page 74, line 17, redesignate sections 301 through 322 as sections 201 through 222, respectively.

Page 2, in the table of contents, strike the item relating to section 130.

Page 2, in the table of contents, strike the item relating to title II.

Page 3, in the table of contents, redesignate title III and sections 301 through 322, as title II and sections 201 through 222, respectively.

Mr. ROEMER. Mr. Chairman, I ask unanimous consent that all debate on this amendment be limited to 1 hour, with time equally controlled by myself and the chairman of the committee, Mr. SENSENBRENNER.

The CHAIRMAN pro tempore. Is the gentleman talking about this amendment and all other amendments?

Mr. ROEMER. I am talking about this particular amendment, No. 5.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Indiana?

Mr. SENSENBRENNER. Mr. Chairman, reserving the right to object, and I do not intend to object, let me clarify that of the time allocated to the proponents of the amendment, does the gentleman from Indiana intend to yield 15 minutes of that time to Republican supporters of the amendment, and then I would yield 15 minutes of my time to Democratic opponents of the amendment?

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

Mr. SENSENBRENNER. I yield to the gentleman from Indiana.

Mr. ROEMER. I would be happy, Mr. Chairman, to try to divide that equally. The sponsor of my amendment is a Republican, and it is a bipartisan amendment. However, I would just ask my colleague to be flexible with that 15 minutes, depending upon people's schedule, how many Republicans and Democrats we have at any given time to speak on the floor.

So I will try my best to have it equally divided to answer the gentleman's question.

Mr. SENSENBRENNER. Mr. Chairman, further reserving the right to object, the gentleman from Indiana [Mr. ROEMER] is saying yes and no, and I guess I will accept it for getting on with it.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. The gentleman from Indiana is talking about amendment No. 5 and all amendments thereto; is that correct?

Mr. ROEMER. That is correct, on amendment No. 5.

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

There was no objection.

The CHAIRMAN. The gentleman from Indiana [Mr. ROEMER] and the gentleman from Wisconsin [Mr. SENSENBRENNER] will each control 30 minutes.

The Chair recognizes the gentleman from Indiana [Mr. ROEMER].

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

Mr. Chairman, this is an important amendment for many reasons. We have all had the opportunity in a recent election to tell our constituents how devoted we are to balancing the budget, and we have all sat back home in our individual districts in Indiana and Iowa and California and in Maine, across this great country, that we would come here and work in a bipartisan way and make the tough but fair decisions to balance the budget. This, Mr. Chairman, is a tough decision, and it is fair based upon how poorly this program has performed over the last decade.

Now let me give my colleagues the example, Mr. Chairman. Back in 1984 this program started out with an $8 billion price tag. Now in 1997 it will cost our American taxpayer about $100 billion to finish this space station, $8 billion to $100 billion. That is according to the General Accounting Office which is a nonpartisan group of scholars and thinkers here that gets us research, $8 billion to $100 billion.

That would be like an example that maybe I can relate better to, and some of our constituents, but because we are talking about real big bucks there, what about if someone as a constituent went to buy a car in 1984 and that car dealer said, ''Mr. ROEMER, we're going to sell you a car for $8,000, and it's going to have power windows, it's going to have air-conditioning, it's going to have a tape player, it's going to have all these marvelous things; $8,000, sir,'' and I bought it. Now in 1997 he comes back and says, ''Hey, I'm sorry. That car is going to cost you $100,000, and I am going to take the tape player away, you are going to have to suffer through the summertime, no air-conditioning and no power windows.''

That is kind of what the space station has become. It has gone from 8 scientific missions to 1 or 1½. It has gone from $8 billion to $100 billion, and now the United States taxpayer has sent almost a billion dollars to Russia because now they are 11 months late in their participation in the space station, which is jacking up the cost for the American taxpayer.

This is not a good deal for us. This is a terrible deal for the taxpayer. There is $100 billion, and more and more of it going over to Russia.

Now you are going to hear, Mr. Chairman, you are going to hear this

argument on the floor: Well, we have already spent $18 billion, let us finish the job.

How do we justify 18 billion bad dollars down a rat hole and then another $70 billion later on? That is what this is going to cost; $18 billion down a rat hole and then $70 billion into a black hole in space. That is not a good expenditure of taxpayer dollars.

We are also going to hear about science. We are going to hear that this thing is going to discover the cure to AIDS and cancer and help school buses. There is not anything that that space station cannot do.

Let me read for my colleagues a couple quotes from some scientists, not politicians. Let me read some quotes from some scientists. This is a quote from a Dr. Robert Park, who is a professor of physics at the University of Maryland. He says:

> The greatest single obstacle to continued exploration of space is the international space station. Cost overruns and construction have been accommodated by postponing what little science is planned for the station.

□ 1345

There is one scientist. Another scientist, Dr. Bloomfield, professor of physics at the University of Virginia, he says:

> The space station is an insatiable sponge for resources, drawing the life and vitality from many exciting and sorely needed NASA programs.

So that the space station is cannibalizing other very, very good programs that are returning good science to us.

He also states:

> We are in danger of building a fantastically expensive scientific laboratory in which no important scientific work will be accomplished.

Another scientist. There seems to be some consensus of opinion from some of these scientists. This is Dr. Ursula Goodenough, professor of biological sciences. She says:

> I am an avid fan of space science and would be very happy to see the international space stations appropriations go instead to aerospace contracts and NASA jobs geared to the further exploration of the universe, planets and earth.

Mr. Chairman, we all talk about balancing this budget. We all talk about doing things in a bipartisan way. I offer this in a bipartisan way with the gentleman from Iowa [Mr. GANSKE], a Republican.

We all talk about not having cost overruns in our programs. This is a $92 billion cost overrun, and the scientists are saying, we do not want it. Fund NIH where we are trying to do things on breast cancer and Parkinson's and AIDS, and where two out of four of those grants are not adequately funded.

Let us solve some of these problems right here, right now, but not cut off space. I am very supportive of the shuttle and the Hubble and the great observatories and the faster and cheaper and better programs, and Galileo.

All of these things can give us a presence until we find out what exactly our manned presence should be in the next century. Should it continue to be commercial rockets and the shuttle and some other kind of a space station that works, or should we ultimately and finally say, enough is enough to the American taxpayer.

We are not getting good science out of this project, we are not getting a return on the dollar. Let us have the courage to take on the special interests, to kill this program, and move forward and give the men and the women of NASA who are doing tremendously good work with 85 percent of this NASA program and budget, let us give them the opportunity to continue to do that good work in these other areas I have outlined.

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

Mr. SENSENBRENNER. Mr. Chairman, I ask unanimous consent that 15 minutes of my time be yielded to the gentleman from Alabama [Mr. CRAMER], and that he have the right to yield portions of that time as he sees fit.

The CHAIRMAN pro tempore (Mr. QUINN). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume and I rise in opposition to the amendment.

Mr. Chairman, the gentleman from Indiana [Mr. ROEMER] gets high marks for persistence. This is his annual amendment to kill the space station. However, he gets equally low marks for his logic, because he wants the American taxpayer to back away from the $18 billion that we have already spent on the space station, leaving this house half built, breaking the international commitments that we have made to our closest allies in Western Europe, Canada, and Japan, and stiffing them the $6 billion that they have spent out of their own funds because he says, ''the space station has no useful purpose.''

The space station does have a useful purpose, and it also means that if we build the space station, we will continue to have the United States of America be the leadership in manned space flight for the next generation.

If the gentleman from Indiana [Mr. ROEMER] has his way, not only will America be out of manned space flight, but so will the rest of the world, because these programs are so expensive they have to be internationalized, and no other country will be able to pick that up. I think that would be a shame. I think it would be shocking. I think it would demonstrate that the United States of America is an unreliable partner because of the commitments that we have asked other countries to undertake in building the space station, and which all but Russia have done so and have spent their own taxpayers' money.

If the gentleman from Indiana has his way, it is going to be a long time before other countries rely on the United States of America in any international undertaking, whether it be in space or in science or anything else, because if we back away from the space station now, we will have burned them so significantly with funds on their own.

The gentleman from Indiana says that if we kill the space station, we can save a great big bunch of money. I have heard the figure $75 billion touted about. I do not know whether that is accurate or not. But that includes the cost of maintaining and operating the shuttles that will be used for assembling the space station. That cost is going to be there.

If the space station is not set up, we are going to be using the shuttles for other things and expending the taxpayers' money for it, so very little of that $75 billion is going to be saved, because we will be utilizing the equipment that the taxpayers have already bought and paid for, as well as paying for other types of microgravity research.

The fact is that the cost of completing and operating the space station between now and the year 2012 will be about $23 billion for the United States, about $10 billion to finish the station by the year 2002, and about $13 billion to operate it for the next 10 years. That includes the cost of the shuttle flights and the research in this total.

We hear the argument all along that it is no-good science. Now, I have heard a lot of testimony of scientists in my time on the Committee on Science, and many of the scientists approach the Committee on Science saying the science that I am doing is good science and we should give more money to it.

The science that other scientists are doing I think should be a much lower priority, and I really do not care if you defund it. So we can trot out scientists on each side of the argument. But let me quote what some of the scientists told the subcommittee of the gentleman from California [Mr. ROHRABACHER] a couple of weeks ago.

Dr. Larry DeLucas of the University of Alabama at Birmingham testified that shuttle-based microgravity research has led to ongoing clinical tests in drugs for the flu, stroke, and open heart surgery. The shuttle's maximum duration mission is 16 days. The station is permanent, and we can do much more research on that.

Dr. Jane Milburn Jessup of Harvard Medical School is researching colon cancer through space research. Dr. Lelund Chung of the University of Virginia is studying prostate cancer through space research. Dr. Reggie Edgerton of the Division of Life Sciences at UCLA testified that microgravity research is already aiding studies of neurocell regeneration, which can help us cure or ameliorate spinal cord and other nerve injuries.

I am married to a person who has a spinal cord injury, who is paralyzed

from the waist down. It is a terrible disability for anybody to have that kind of an injury. If we can figure out some way, any way, to help regenerate those neurocells following a spinal cord injury, the grief, the trauma, the pain that someone like my wife has to endure can be solved for future people who might have those kinds of injuries.

Now, we can accelerate this research by having a permanent space station rather than having 16-day shuttle missions. We are building a space station that allows this research to be done 365 days a year. Mr. Chairman, I hope the Members do not back out on their previous commitments to the space station. I hope the Members, once again, reject the Roemer amendment.

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

Mr. CRAMER. Mr. Chairman, I yield myself such time as I may consume and I rise in opposition to the amendment.

Mr. Chairman, I rise in strong opposition to the annual Roemer amendment. It is springtime and he is persistent, and here we are again. Since I came to the Congress in 1991, we have had more than 25 votes on this issue in the committee and on the floor, so needless to say, most Members of this House, except for our new Members of the 105th have had an opportunity to hear these arguments that we make every year.

I want to echo some of the comments that the gentleman from Wisconsin [Mr. SENSENBRENNER], the chairman of the Committee on Science, has made already. It is just too late for us to turn our back on this program. It would not be the responsible thing to do. I do want to make a few additional points for the freshman Members that may not have heard this debate for the first time.

The international space station is not a new program. Even as we debate today, there are thousands of engineers and scientists that are hard at work in the United States, Canada, Japan, Europe, and Russia, building and testing the space station systems and components. More than 160,000 pounds of hardware have already been built in the United States alone. The program is scheduled to start launching the first segments of the space station next year.

This amendment, this annual Roemer amendment, would waste all of that hard work and the taxpayer dollars that have been spent today on the station program. That is not the fiscally responsible thing to do.

The space station makes good sense. I wish that other Members had the opportunity to hear the testimony of the world class scientists that appeared before the committee this year and other years, as well regarding the advances that they believe will be responsible or will be possible from the research conducted in the weightless environment of space, research that cannot be conducted here on earth.

These potential advances span the spectrum from increased understanding, development of exotic new materials that could revolutionize any terrestrial processes, and the design of new pharmaceutical processes as well.

The space station, as has been pointed out, is an international cooperative venture including cost-sharing by more than a dozen nations. If we turn our back now, our lawyers will inherit a possible nightmare that we will have to sort through.

Now, there is one issue that my colleague, Mr. ROEMER, will bring up over and over, and that is the concern in the delays over the Russian involvement, the Russian funding of its space station contributions. I believe, under the leadership of the chairman and ranking member of the full committee, that this bill contains tough provisions to make it clear to Russia that we expect them to honor their commitments to this program.

Mr. Chairman, this is a bad amendment. I urge Members to defeat it.

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

Mr. ROEMER. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Iowa [Mr. GANSKE], a cosponsor of the amendment and a Republican.

Mr. GANSKE. Mr. Chairman, I rise in support of the Roemer-Ganske amendment. On Tuesday, the gentleman from Indiana [Mr. ROEMER] and I were successful in our efforts to save the taxpayers $6 million when NASA decided to end the Bion Program. This was a small down payment on the $75 billion we could save by cutting the space station.

Space station supporters say that since we have already spent $18 billion, well, we cannot stop now. I disagree. Now is the time to stop throwing money into this black hole. It would be doing our allies a favor if we killed this jobs program now.

Despite repeated promises, the Russians still have not paid for critical space station components. As a result, the first space station launch will be delayed at least 11 months. The space station is already $300 million over budget for the next 2 years. Congress imposed a spending cap which lost its teeth before we even launched the first piece of hardware.

The sad truth is that if we do not cancel the space station, it will continue to be the Pac-Man that eats up everything else at the expense of important other NASA programs.

I believe the Federal Government does have a role in space research, but in this case, the space station will ultimately, in my opinion, impede our knowledge of outer space because it will eat up those funds for unmanned space exploration.

□ 1400

Let me explain briefly why I think the Space Station will not fulfill the scientific goals first envisioned.

First, if we look at the physical sciences, years of research on the shuttle and on Mir have produced no evidence that microgravity offers any advantage for processing or manufacturing. The few experiments in areas such as turbulence and fluid phase transitions that might benefit from a microgravity environment could be conducted on unmanned platforms or the shuttle.

Turning to life sciences, experiments on the shuttle and Mir have established that diverse organisms can go through their full life cycle in a microgravity environment. This fundamental question of whether important biological processes can occur in microgravity has already been answered. The answer is yes.

It is also no surprise that vestibular organs, bones, muscles of larger mammals, are affected by microgravity. We have known that as physicians for years. If we have a bedridden patient, they lose bone mass. There is no evidence, however, that studies of these effects have contributed to an understanding of how organisms function on Earth.

The possibility of growing better protein crystals is often cited as a benefit of the space station. Such crystals are important in determining the molecular structure of proteins. However, years of growing protein crystals on the shuttle and on Mir have made no discernible contribution to determining any new structure.

Mr. Chairman, we came to Washington to make some tough choices. I hope my colleagues will agree with me that it is necessary to ground this orbiting erector set. One of my heroes when I was an undergraduate at the University of Iowa was Dr. James van Allen, discoverer of the van Allen radiation belt.

I talked to him yesterday about the space station. He pointed out that the principal scientific achievements of NASA have been accomplished by unmanned exploration: Galileo, Viking, Pioneer, Voyager, the Mariner missions. The exceptions have been Hubble, which has needed some maintenance, and Apollo. But he also pointed out that the Russians brought back rock samples from the Moon with unmanned missions.

Dr. van Allen told me, ''The Space Station purposes are grossly incommensurate with the cost.'' I think that says it all.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. BRADY].

Mr. BRADY. Mr. Chairman, like other fiscal conservatives, I find this amendment attractive on its surface. But a closer look reveals and has repeatedly shown that the scientific criticism is not valid and the cost savings are exaggerated. Killing the space station at this point in its life would ultimately prove to be penny wise yet pound foolish.

We all know that major leaps in mankind's progress require a major commitment over a long time and an ability to look beyond the immediate horizon. The international space station is no different. This is a fiscally responsible investment which will produce real benefits for American families.

While the space station is long-term in nature, the return on our investment is significant and very well worth making: in new drugs to battle our most stubborn diseases; in knowledge to protect and preserve our earth's environment; and in the potential for a vast number of new jobs for the 21st century resulting from the commercial opportunities in space.

We cannot afford not to continue this investment, this critical investment in America's future. I respectfully urge my colleagues to defeat this amendment and continue our historic support for the space station.

Mr. ROEMER. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin, Mr. TOM BARRETT.

Mr. BARRETT of Wisconsin. Mr. Chairman, I want to applaud my colleagues, the gentleman from Iowa [Mr. GANSKE] and particularly the gentleman from Indiana [Mr. ROEMER] for consistently fighting this very lonely fight.

This fight reminds me a lot of that childhood story of the emperor has no clothes, because the gentleman from Indiana in particular has stood by the side of this parade now for many, many years.

When this parade first started, this emperor space station was walking down the street and we were told that this is cloaked in fiscal responsibility, that this is a responsible project, it costs $8 billion. Of course, we saw that it was not a real cloak. The emperor's space station was wearing no clothes at that time.

So what happened several years later? We were told this is the greatest thing since the polio vaccine, that we are going to solve all the problems in the world with this. Again, the emperor space station has no clothes.

Then they had a close call 2 years ago, 215, 214. Now we had all sorts of new bells and whistles and balloons that went in this parade, and we were told this is going to help us reach world peace because we are going to work with the Russians, and by working with the Russians we are going to really move forward.

What have we seen in the last month? The emperor space station has no clothes. Those opponents of the space station have a tough fight. There are powerful forces that create jobs in parts of the country for people because of the space station.

I have no problem with the jobs program. But if all this is a jobs program, let us call it that and let us spread the money out evenly throughout the United States. But the time has come for Congress to say that the emperor space station has no clothes, and to end this economic folly.

Mr. CRAMER. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. BROWN], the ranking member of the full committee.

Mr. BROWN of California. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, sometimes I have difficulty determining what the value of these perennial debates are, but being an eternal optimist, I am going to assume that they will result in some enlightenment on those who have not been sufficiently informed.

Mr. Chairman, the history is subject to a lot of debate. It is true that, as with every project I have been associated with over the last 30-odd years, there are misrepresentations made, not intentionally but necessarily, as to what the final cost and parameters of any project like this will be, and the space station is one of those.

We are finding out some interesting things. It represents some breakthroughs which we did not anticipate. for example, the inclusion of the Russians was never planned, it was serendipitous, and it may have some beneficial effects. There were over-promises made about what the research would do, but nobody questions the fact that there will be valuable results from the research.

The most important thing is that if Members really believe that there is any potential for human activity in space, it has to have a space station. There is no other way that you can gain the experience both of creating the infrastructure to house these humans, and for humans to get the experience which will allow them to function in a near-Earth orbit, far-Earth orbit, on the surface of the Moon, on Mars, anywhere else. We have to start. Killing the space station kills the start. We would say, in effect, we abdicate any future for humans in space.

The opponents have made some statements about costs, that it is going to cost I think the figure is $75 million more to complete the space station. The life of the space station is anticipated to be between 10 to 15 years, so what we are saying is that it is going to cost more than twice as much per year after the space station is built as it is costing for the space station to be built. That is ridiculous on its surface.

Mr. Chairman, the fact of the matter is that we are going to build this space station for something fairly close to the original cost, and then we are going to maintain it for 10 to 15 years. We are going to fly the shuttle to it several times a year. We are going to put new supplies, new experiments, new other things up there.

All of this costs money, it is not going to cost $75 billion. But even if it does cost a fraction of that, half that, say, this is not building the space station, this is operating the space station for the purpose of which it was built: namely, to expand human abilities to live and work and produce new knowledge for the whole of human culture in the environment of space, which will be a landmark in the history of the human culture, and it is worth the effort we are making today.

Mr. ROEMER. Mr. Chairman, I gladly yield 2 minutes to the distinguished gentleman from Michigan [Mr. CAMP], a Republican.

Mr. CAMP. Mr. Chairman, I thank the gentleman for yielding time to me, and I thank him for his efforts in this matter.

Mr. Chairman, I rise in support of the Roemer-Ganske amendment. This November NASA will begin to launch $94 billion into orbit. This is a project plagued with delays, cost overruns, and unfulfilled promises. Russian assurances have fallen short, and the American taxpayer has been left holding the bag. We cannot afford this big budget action adventure in space.

The space station, originally budgeted at $8 billion, has become the black hole of the taxes of hardworking Americans. It threatens our ability to balance the budget. Space is infinite, but our resources are not.

It is time for Congress to get its spending priorities in order, and admit that we cannot afford a $94 billion playground in space. We need to get serious about what the core functions of the Federal Government are while we continue to run budget deficits year after year, and have a national debt of almost $5.3 trillion.

We are all amazed by the promises of space exploration and the excitement the space station generates. We should be amazed at the $200,000 every child in this country owes in interest on the national debt during their lifetime. Congress should invest this $94 billion in our children's future.

Mr. CRAMER. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. HALL], my very dedicated colleague.

(Mr. HALL of Texas asked and was given permission to revise and extend his remarks.)

Mr. HALL of Texas. Mr. Chairman, once again we have a bad amendment offered by some good guys.

Mr. Chairman, opponents of the space station say the station is going to cost the American taxpayers $94 billion by 2012, as Chairman BROWN has pointed out and Chairman SENSENBRENNER has pointed out, rather than the $8 billion for construction in 1994. What are the facts?

I think we need to go back over the facts one more time. The redesign over the past couple of years has lowered the expected cost. That is a hard, cold fact. The project is two-thirds completed. It is a matter of math. The $94 billion figure is an overstatement because it adds projected operating expenses to the cost of construction.

As the chairman has noted in a Dear Colleague that we received some time ago, American taxpayers have invested about $18 billion in the international space station, and we are more than halfway through building the hardware

we need. We will spend another $10 billion to complete the space station in 2002, and $13 billion to operate it until the year 2012, Mr. Chairman, for a total of $23 billion.

This year's funding, like last year's funding, cost each American an average of 2.2 cents a day. If Members want to hear a real outcry from young America, cancel this space station. The cost of terminating the project would be far greater, thousands of jobs would be lost, and the potential for creating new high-technology industry would absolutely be lost. We also would lose the hope of curing diseases and making other scientific discoveries that could save or enhance the lives of everyone in our planet. We lose far more by terminating the space station than we do by keeping it.

Opponents of that have stated that reliance on unstable partners like Russia could jeopardize the project. Of course, I have concern over their instability. But the truth is that Russian participation is still needed. It is very important, because of the expertise they bring to the project.

The Committee on Science unanimously adopted an amendment offered by the chairman and the ranking member, the gentleman from California, [GEORGE BROWN], that addresses the Russian problem. Their amendment prohibits U.S. funding of work pledged to be done by Russia. It requires NASA to develop a contingency plan should the Russians default, and requires the President to make a decision by August 1, 1997, on whether to proceed with permanent replacements for the Russian items. I think they have covered the waterfront. It also directs NASA to certify that Mir meets U.S. safety standards.

We also have to consider that we have other partners who have committed billions of dollars toward the space station: Japan, Canada, and the European community. This is an international station. Russia is only one of the many worthy participants.

The opponents also argue that the project has questionable scientific merit. What are the facts? Biomedical and materials research in space has very impressive results. The ability to provide a permanent manned platform for conducting research has the potential for far greater rewards.

We need to remember that we must pursue our dream. We must pursue this dream. Out of splitting the atom we got the MRI and the CAT scan. We have to keep going forward. We have to keep our heads up. We have to keep following the star that might really be a deliverance to all of the people, to young and old, future and present.

The space station began as a dream, but through hard work, careful planning and the financial commitment of many nations, it became a reality. The space station represents an investment in our future.

As we prepare for the many challenges of the 21st century and continue to battle many of the problems of the 20th century, the space station represents the combined hopes of many nations that we will find some of the answers beyond the Earth's atmosphere.

□ 1415

I urge my colleagues to oppose the Roemer-Ganske amendment and support the international space station.

Mr. ROEMER. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska [Mr. CHRISTENSEN], a pretty good basketball player, a Republican.

Mr. CHRISTENSEN. Mr. Chairman, I thank the gentleman from Indiana for yielding me the time.

This has been a lonely fight for my friend, and it has gradually caught support. I am looking forward to helping him on this fight.

I am hearing a lot of the arguments that remind me of the arguments that I watched on TV a few years ago about the superconducting super collider, the great atom smasher down in Texas. If that was the boondoggle of the 1980's, this program must be the boondoggle of the 1990's. Because by every cost estimate that I have seen, it is way over budget. It is not getting the promised results that we had hoped for.

We can disagree on whether it is $94 billion or $74 billion or $84 billion, but it has run over cost. It is a year behind. The Russians have not lived up to their part of the deal, but we keep funding it because it is two-thirds done.

I am not sure that is the best philosophy and the best argument to be selling here. Maybe there is some other issue we could be talking about. The facts are, it is overdone; it is overrun. They have not lived up to the bargain.

We need to take a look at the fiscal responsibility of this Congress. We are $5.4 trillion in debt. Do we keep funding a program because it is already there, just because it is there, mainly because it is set in Florida and Texas and California? Or do we really look at some of the scientific aspects and can we accomplish those in a much more economic manner?

I really applaud the gentleman from Indiana [Mr. ROEMER] and the gentleman from Iowa [Mr. GANSKE] for putting effort into this. Maybe this year, with the help of other Members on both sides of the aisle, we can pass this bill and pass this amendment. But I do look forward to a good argument and I respect both sides.

Mr. CRAMER. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. BENTSEN], a strong advocate for NASA and the space station.

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

Mr. BENTSEN. Mr. Chairman, I want to echo the comments made by my senior Member, the gentleman from Texas [Mr. HALL].

I hate to have to oppose an amendment by my good friend, the gentleman from Indiana [Mr. ROEMER], but the fact is that we have invested about $18 billion in a program which from my viewpoint appears to work. It would be one thing if we were investing funds year in and year out and showing no results to walk away from the program, but that is not what is going on here.

We are looking at a program where we are building up, where it is going to work, and it would be a grave mistake and really a bad business decision for us to walk away at this point, to break the contracts, to say that we are not going to go forward.

The gentleman from California [Mr. BROWN], the ranking Democrat, is also correct that if we are going to continue as a nation to lead the world in space exploration, we are the only ones that are going to do it, as the gentleman from Wisconsin [Mr. SENSENBRENNER] said. And if we do not do it with this, as the gentleman from California [Mr. BROWN] says, if we do not build the station, we will stop at this point and we will lose ground.

I think it would be a very serious mistake. Yes, we have spent the vast majority of the money, and we made progress. Yes, two-thirds of the hardware has been developed. Yes, there are problems with the Russians. I think having the Russians involved in this as well as all the other nations involved in this program is good foreign policy for America.

If the Russians fall out, we have contingency plans in place, but I do not think we should focus the argument solely on the Russian problem. We can take care of that if they fall out of it, but it is still incumbent upon the United States to lead.

I would encourage my colleagues to once again defeat this amendment. It is not going to balance the budget. We are fooling ourselves if we think that it is. We have to prioritize the budget and find where we can make cuts, but we have to keep the country moving forward at the same time.

I would also urge my colleagues on the subsequent amendment offered by my friend, the gentleman from Indiana [Mr. ROEMER], with regard to the agreements with the Russians, that we defeat that and pass the authorization.

Mr. ROEMER. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Chairman, I rise in support of this amendment. Like so many Federal programs, Congress was given a low-ball figure at the first and was told in 1984 that this program would cost only $8 billion. Now the General Accounting Office, not our figures but the figures from the General Accounting Office tell us that the cost will be at least $94 billion. Some estimates of the ultimate cost when all expenses are figured in are much, much higher. James J. Kilpatrick, nationally syndicated columnist, said: This is ''pure folly and that the cost itself has now gone into orbit.'' This project will ultimately be the most expensive single project ever funded by the Federal

Government, and that is really saying something.

An editorial in the Washington Post in 1991, when the cost estimates were much lower than now, said this ''The diversion of $30 billion would be a sad thing even if the Federal Government had money to burn. Money for the space station will have to be squeezed out of other research of value to society and to science, including space science.''

Mr. Chairman, we do not have money to burn. We need to support this amendment.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. Mr. Chairman, I rise in strong opposition to the Roemer amendment.

We have heard a number of points made repeatedly today that I would like to address, one of them being that this project somehow costs $100 or $90 billion. To say that this project costs that much money would be similar to saying that the Louisiana Purchase did not cost $14 million. It cost billions of dollars for all of those settlers to move into the West and build all those cities. Included in that figure is the cost of all the shuttle missions and all of the research that is going to be done on the space station. It is very, very unfair to make those kinds of comparisons.

We heard firsthand in our committee the tremendous amount of good quality scientific research that will be possible on the space station. We research into areas like the treatment of existing diseases, development of new technologies that can help deal with problems like spinal cord injuries and bone disease and heart disease.

I would also like to point out that there have been a number of Members who have mentioned about all these cost overruns that have occurred in the program already. The vast majority of those cost overruns were caused by this body redesigning the space station over and over and over again. Once we, the House of Representatives, stopped monkeying with it, lo and behold, NASA has been able to stay on budget and on schedule. They have done a darn good job on it.

Finally I would like to say one additional thing. I believe when Queen Isabella was approached about funding Columbus, there were those who said, no, no, no, do not do it. Each time he wanted to go back, there were people who said do not give him any more money. Likewise, during the Mercury, Gemini and Apollo Programs, I know that there were Members in this body, probably motivated by the fact that the program had absolutely no funding coming into their district, chose to oppose it and vote against it. I am sure none of those Members today would stand up and speak proudly of the fact that they were opposed to one of the greatest accomplishments in the history of American exploration.

I encourage Members to vote against Roemer.

Mr. ROEMER. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. UPTON], my good friend and a Cubs fan.

Mr. UPTON. Mr. Chairman, I prefer to talk about the Wolverines instead of the Cubs, I would have to say, this year.

Mr. Chairman, I rise in strong support of the Roemer-Ganske amendment. Before I was in the Congress, this Congress made the decision to go ahead with the space station; but when they made the decision to go ahead with it, I in fact worked at the Office of Management and Budget. And I remember well the argument that took place within the Office of Management and Budget in terms of what the cost was going to be. The suggested cost was about $8 billion. Then it was $12, then it was $15, now I understand we have spent $18 billion already. Three years ago I took to this floor and argued in support of this amendment, they were saying then that the cost was going to be $45 billion. I come today and it is $94 billion. No, that is not million, that is billion dollars.

I listened to the comments of the gentleman from Iowa [Mr. GANSKE] today about one of the great NASA supporters of all time, Dr. van Allen, what he had to say. It is not worth the bang for the buck. I can remember talking to some of my colleagues in the past years about how this amendment or how this space station is so important for the advancement of science. They said: FRED, go back to your districts and talk to your pharmaceutical folks, talk to some of the people there and find out what this science will do.

I did. And they came back and they said, it is not worth the bang for the buck. It is not worth it; $94 billion.

Mr. Chairman, we have heard from a lot of newspapers, and some of them have suggested that we just simply vote for the continuation of this program to keep the dream alive. Well, I have to say something, that when we see a budget increase grow from $8 billion to $94 billion, it sounds more like a nightmare, it does not sound like a dream. The Taxpayers for Common Sense, the Citizens Against Government Waste all say support the Roemer amendment. As we think about our children and their future, the $5.5 trillion national debt, the almost $300 billion that we are going to spend on interest. We have to start making some tough choices. One of those is supporting this amendment.

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

The CHAIRMAN pro tempore (Mr. QUINN). The gentleman from Indiana [Mr. ROEMER] has 11½ minutes remaining, the gentleman from Alabama [Mr. CRAMER] has 3½ minutes remaining, and the gentleman from Wisconsin [Mr. SENSENBRENNER] has 6 minutes remaining.

Mr. ROEMER. Mr. Chairman, I yield 2 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

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

Mrs. ROUKEMA. Mr. Chairman, I rise in strong support of the Roemer-Ganske amendment. At an estimated cost of $94 billion, this space station has become Congress's latest sacred cow. And this at a time when we are trying to balance the budget, we are cutting very important social programs and we are substantially cutting other research projects.

I rise in strong support of the Roemer-Ganske amendment to terminate space station funding. Simple put, the Space Station Program is a luxury item the United States cannot afford when the national debt exceeds $4.5 trillion.

At an estimated cost of $94 billion, the space station has become Congress' new sacred cow, at a time when we are trying to balance the budget and important social programs and other research projects are being deeply cut, it is unconscionable that once again this bill includes full funding of the space station which is already vast billions over the original estimates.

It is absolutely unconscionable that we are again including full funding for this which is already vast billions over the original estimates.

The Space Station Program is so fundamentally flawed that when President Clinton selected a new scaled-back design for the space station in 1994, the chosen design satisfied only one of the eight original design objectives. Despite the substantial redesign, scientists across the spectrum remain critical of the station because of its costs and irrelevance to real science. Many contend that the research proposed for the station could be conducted for far less money on the space shuttle, on smaller spacecraft, or through the use of satellites, with the money saved being used for projects having more scientific merit or for environmental protection, housing needs, emergency food and shelter programs, veterans programs, and deficit reduction.

This is despite the fact that continuous redefinition of the goals and designs have inflated the cost of this project more than $86 billion. The originally cost being $8 billion, with construction scheduled for 1994. Now, the Government Accounting Office estimates that it will cost the American taxpayers $94 billion to build the space station by 2012.

Taxpayers have already spent $18 billion on the space station since 1984, with few tangible results. Furthermore, with NASA's poor track record on cost-overruns, it is doubtful that NASA has any idea how much it will cost American taxpayers to maintain and operate the space station.

With reference to Mr. SENSENBRENNER's remarks which characterizes the space station as the primary source of research for medical procedures. Please, if we were to put a fraction of these billions on medical research here at home. Instead we are cutting medical research in our pressing need to balance the budget.

We need the space station $4.2 billion here on Earth. I urge my colleagues support of this important amendment.

Come back to Earth—we can't keep chattering about balancing the budget.

Threatening to take food out of the mouths of little babies—the WIC Program cutbacks,

while still funding this enormous pork barrel—lets use some common sense and set our priorities so that the people will again respect this elected body and trust us to keep our word.

Now, both the gentleman from Indiana [Mr. ROEMER] and the gentleman from Iowa [Mr. GANSKE] have fully and rationally explained the alternative programs that are conducting research. They have explained the deficiencies in the space station project. They have adequately outlined the fact that the authoritative scientific community is deeply split on this project. But I would like to refer in my limited time to the gentleman from Wisconsin [Mr. SENSENBRENNER] comments and others who have referred specifically to medical research projects leaving the impression here with our colleagues that this is the only source of research funding for new medical procedures. That is not anywhere near accurate.

The gentleman from Iowa [Mr. GANSKE] spoke eloquently to that subject. But, let me put it this way. If we were to put only a fraction of those billions of dollars into the medical research here at home, we would be doing vast good for the American people. Instead, we are cutting medical research in our very pressing need to balance the budget.

That brings me to the point. Come on back down to Earth. We cannot keep chattering about balancing the budget and threatening to take food out of the mouths of little babies and cutting enormous amounts from other medical research projects when we are funding this enormous pork barrel. Let us call it what it is, pork barrel. Let us use some common sense and set our priorities so that the people will again respect this elected body and trust us to keep our promises.

Mr. ROEMER. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. LOBIONDO].

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

Mr. LOBIONDO. Mr. Chairman, I rise today in strong support of the Roemer amendment to terminate funding for the international space station. In my view the space station is not a responsible use of taxpayer dollars. It was originally projected to cost $8 billion. Recent estimates put the price tag at $94 billion. The $18 billion that has been spent thus far in construction only began in 1995.

□ 1430

It is time for the taxpayers to cut their losses. Eliminating the program now will save $78 billion, four times what has been spent this far, dollars that are desperately needed for programs here at home. NASA is projecting the space station budget to be an average of 75 percent over budget from what they originally planned.

As somebody who spent over 25 years in a small business, I find that spending dollars wisely and cost efficiently is not only critical, it is essential. While I think our space program can provide significant scientific contributions to society, I do not think the space station is worth the price.

Of the eight original scientific objectives for the program, only two remain, just two out of the eight. Many of the proposed experiments can be done on unmanned satellites or aboard the space shuttle for just a fraction of the cost.

NASA now says that the primary reason to build the space station is for the sake of learning how to build a Space Station. In the wake of our $5 trillion national debt, I do not think we can afford to pursue a multibillion dollar endeavor of questionable scientific merit.

I hope my colleagues will make their stands for the taxpayers today and vote for the Roemer amendment, because once again, my colleagues, as we struggle with how to find sufficient dollars for education, for seniors, for our environment, this spending is critical.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Florida, [Mr. STEARNS].

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

Mr. STEARNS. Mr. Chairman, I have heard some of these arguments. The problem is that this project is two-thirds complete in operation. We are not talking about something like the super collider here where we are just starting it and then we killed it. Even then there were large termination fees. Here is a project that is two-thirds complete into the operation.

Now, these folks keep talking about a $92 billion overrun. That is over 15 years. That is about $6 billion a year. This is a project that we are almost already about to see the light at the end of the tunnel, so I think we are too far along to consider terminating it. It may be $92 billion in overruns, however it turns out to be a very small number over the 15-year period.

This amendment lost by 65 percent last year in the 104th Congress. I will bet that the gentleman from Indiana [Mr. ROEMER] and everybody else in the House would love to win an election by 65 percent. The majority of people here in Congress believe this space program is a good project, yet time and time again the gentleman, Mr. ROEMER brings this up. I will bet on the last day of the project the gentleman will bring up the fact that we have to shut this program down. Another thing is that we will not be able to shut this project down because of our agreements with many, many countries.

I would point out to those that keep coming to the House floor and saying this is fiscally irresponsible to push this space station, I went back to the vote on the National Endowment for the Arts on June 22, 1994, and almost without an exception these people could not even reduce and do away with a program that was $160 million. We are not talking billions, we are talking about millions.

In fact, my good friend from Indiana did not agree to substantially reduce or shut down the National Endowment for the Arts.

Another point I want to make is that we are talking about a program that only is $23 billion to completion. So we are not talking about billions and billions of dollars, but $10 billion for completing it and $13 billion for the operation for the next 10 years.

My friends, there is no parallel between this and the super collider. We have promises we have made to other countries. We must keep them.

Author J.G. Holland said, ''Heaven is not reached by a single bound. But we build the ladder by which we rise.'' We are currently building that ladder, in a series of bounds. What we find at the top of this ladder will inspire future generations to imagine, explore, and actually see, first hand, the unprecedented advances that the space station will provide. We must retain funding for the space station. I urge a ''no'' vote on the Roemer-Ganske amendment.

Mr. CRAMER. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. SHERMAN] who is a new Member and new to this debate.

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

Mr. SHERMAN. Mr. Chairman, my colleagues, when Columbus set sail, about two-thirds of the way into the journey a group of his sailors rose up and urged that the project be defunded. America would not be here today if that amendment had not been defeated.

There are many reasons to support the International Space Station. It is a way for us to build bridges with other countries, including former adversaries. It is a way to build our own aerospace industry, which is already our leading source of exports.

I wish my colleagues had been able to join me at Rocketdyne, where I saw how they are developing batteries for a space station that could well lead to breakthroughs in an electric automobile.

We will find cures for diseases, perhaps AIDS, cancer, influenza, or diabetes. Most important of all, humankind belongs in space. The space station is our stepping stone to where we belong in the next millennia.

Mr. ROEMER. Mr. Chairman, I would inquire how much time is left.

The CHAIRMAN pro tempore (Mr. QUINN). The gentleman from Indiana [Mr. ROEMER] has 7½ minutes remaining; the gentleman from Wisconsin [Mr. SENSENBRENNER] has 4 minutes remaining; and the gentleman from Alabama [Mr. CRAMER] has 2½ minutes remaining.

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

Mr. Chairman, let me just say, first of all, that I am delighted that we have been able to, for the most part, conduct

this debate in a very civil and bipartisan way. A number of Republicans and Democrats have stood up on both sides of this great Chamber and disagreed on whether or not to support this particular amendment. I would urge my colleagues to support this amendment to cancel the space station.

A number of groups that are devoted day in and day out to deficit reduction support this legislation, and let me read a few of them. This amendment is endorsed by the Taxpayers for Common Sense, the National Taxpayers Union, the Citizens Against Government Waste, the Concord Coalition, and the Citizens for a Sound Economy.

Now, Mr. Chairman, those groups do not go around, I do not think, saying we need to spend more money here and protect these jobs, and we need to do a little more money here, and would you please vote for this increase across the board here. Their mission, which is a difficult one in America today, is to try to get to a balanced budget.

We all come here, Democrats and Republicans alike, and we all talk about balancing that budget, but then we delay some of the tough votes. I think this is an appropriate vote to signal to our Democratic leadership at the White House and here in the House and over in the other body and to the Republican leadership in this body and over in the other body that we want these talks to balance the budget to continue; that we are willing to make tough choices over here; and that we can anticipate even tougher choices coming at us in the next few weeks.

There are going to be proposals to cut different defense projects. There have already been proposals in the Committee on Appropriations to cut the WIC Program for women, infants and children. We will see proposals to cut back on different discretionary spending programs for education.

This is the choice, ladies and gentlemen. We can vote to cut a program like this that is $75 to $80 billion over budget; that has gone from eight scientific missions to 1 or 1½; that is not performing the way that the taxpayers deserve; and that is going to send off almost $1 billion to Russia of our taxpayers money under the guise of the NASA budget.

Now, I think that is not such a tough choice. I think we should send a signal to the American people and the respective Democratic and Republican leadership that we are serious about deficit reduction; that we will make tough choices; and that we are going to make fair choices, and they are not going to be choices that hurt children and hurt families and hurt those that need a safety net.

In conclusion, Mr. Chairman, yes, it is my annual fight; yes, when the springtime comes and the cherry blossoms are out, I offer this amendment, and I do it because I believe it is the right thing to do. I believe that for the taxpayer, for the United States of America, and for good science we should kill this project. I would encourage my colleagues to take a good look at this, to read their DSG, which really outlines the arguments on both sides, and vote a tough vote that will upset some special interest groups. It might take away some support, but it will resonate with the American people that we need to balance the budget.

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

Mr. CRAMER. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. KUCINICH], also a new voice in this debate.

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

Mr. KUCINICH. Mr. Chairman, skepticism is a healthy expression in a democracy, but skepticism should never permit us to stop reaching upward in establishing new frontiers. In the words of the poet, ''A man's reach should exceed his grasp or what is a heaven for?''

We should not let skepticism blind the American willingness and ability to envision a better future. In the words of the prophet Isaiah, ''Without vision, a people perish.'' We, in this Congress, are called upon to see the health care benefits, to see the medical technology benefits, to see the industrial technology benefits which comes from the space program.

We are called to join with those visionaries who have given this country the ability to adapt to an undreamed of future. America's destiny is to keep reaching onward and upward.

Mr. CRAMER. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas [Ms. JACKSON-LEE], a very dedicated member of the committee.

(Ms. JACKSON-LEE) of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I say to the gentleman from Indiana [Mr. ROEMER] he is a good friend, and I recognize that this is an annual rite of passage. But let me join with my colleague by saying that the American people do have vision and we will not perish.

NASA and the space station represents success, success in efficiency, success in downsizing effectively, success in outsourcing and giving opportunity to commercial enterprises, success in microgravity research, where finite results help in our pharmaceutical industry, success in health research that helps diabetes, AIDS, health disease, and cancer.

Finally, might I say, what will we do with $500 million to destroy the program? That is down a hole and we will never find it. Let us save the space station, for it is for our children, it is for our future, it is for our health, it is the right thing to do. The space station deserves our further consideration. It is a vision for tomorrow. It is a vision of America.

The CHAIRMAN pro tempore (Mr. QUINN). The gentleman from Alabama [Mr. CRAMER] has 30 seconds remaining.

Mr. CRAMER. Mr. Chairman, I yield the final 30 seconds to the gentlewoman from Texas, [Ms. EDDIE BERNICE JOHNSON].

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, let me simply say that my colleague here is right when he wants to stop a lot of the spending. I fully agree, but I do not want to stop it where there is a penny-wise and a pound-foolish.

We have gone into the unknown in research, all of our existence as a nation. This research has brought us many answers. If we do not explore the unknown, we cannot remain on the cutting edge, we cannot continue to battle diseases that plague us and the viruses and all.

We also know that we can commercialize many of the products and offer jobs and give good income for our country. I fully support the space station.

The CHAIRMAN pro tempore. The time of the gentlewoman from Texas, Ms. EDDIE BERNICE JOHNSON, has expired. All time that was yielded to the gentleman from Alabama [Mr. CRAMER] has expired.

Mr. SENSENBRENNER. Mr. Chairman, I yield the final 4 minutes to the gentleman from California [Mr. ROHRABACHER], the subcommittee chairman.

Mr. ROHRABACHER. Mr. Chairman, I thank the gentleman from Wisconsin [Mr. SENSENBRENNER] for yielding the time.

Mr. Chairman, first of all, I would like to congratulate the gentleman from Indiana [Mr. ROEMER], who again has drawn our attention to the fact that we should not rubberstamp any major programs or even minor programs that go through the House of Representatives. His diligence over the years has prevented us from becoming complacent. His diligence has ensured that we have tried to make this program, to the very best of our ability, to be as cost effective and as efficiently run as possible, if nothing else, to detour the criticism of the gentleman from Indiana [Mr. ROEMER] that comes up on the floor every year.

To that regard, he is serving a useful function, and this is a very fine example of bipartisan democracy at work in the sense there are people on both sides of the issues and we have people who are very sincere in what they are trying to say.

I may have agreed with the gentleman from Indiana [Mr. ROEMER] had we been making this decision 10 years ago or 12 years ago. I may have agreed with him perhaps even 8 years ago, perhaps. But today we have gone down the road, and to turn back now after this long journey has only begun but as we are halfway down the road to the destination would be irresponsible on our part and would actually cause more waste than what the gentleman from Indiana [Mr. ROEMER] would save by cutting the program.

The gentleman from Indiana suggests that he supports the shuttle program, but many of the savings that he talks about that would be saved as part of slicing off the Space Station Program were achieved only by the fact that the space shuttle would not be used to put the space station up; the shuttle would be used for other things, as well.

□ 1445

We will not make savings in that area until we develop a new and less costly way of putting people and payloads into space, which is something we are trying to do in our budget.

The international space station will be a magnificent technological achievement of historic proportions. It will be of significance, historical significance. People will remember that it was this generation that stepped forward and placed our first frontier post, manned frontier post into the next frontier. It is from that post, it is from this penetration of that great barrier, that great frontier that now is beyond us and confronts us, that will be the moment that people will say, this is where the conquest of space began for this generation.

Whatever great leap forward mankind has ever taken has always had a situation where there were people who, No. 1, said that we should not go, or, No. 2, this is not the right method, or as the program proceeded, they were doubters about the program and doubters about the specific goal that the people had in mind.

Six years ago, I sat on this floor and we came very close to canceling the C–17 project. The C–17, which is a magnificent aircraft, an aircraft that now ensures that the United States is the No. 1 aerospace power in the world, that we can project our forces anywhere in the world now, and people all over the world look to us in awe of this great achievement.

The C–17 almost went down for the same arguments that the gentleman from Indiana [Mr. ROEMER] is now making against the space station. After that vote, my father called me. My father was a pioneer in air transport aviation. He flew DC–3's all over the Pacific in World War II. He reminded me that every time they had come up with a new aircraft, there had been cost overruns, there had been kinks in the program, and there had been problems that were unforeseen and they had to overcome those problems and overcome the naysayers in order to make those achievements.

We must overcome our doubters to make this next great achievement for mankind, the great achievement that will be in the history books, a manned space station. This is our job.

The CHAIRMAN pro tempore (Mr. QUINN). All time having expired, the question is on the amendment offered by the gentleman from Indiana [Mr. ROEMER].

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

RECORDED VOTE

Mr. ROEMER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 112, noes 305, not voting 16, as follows:

[Roll No. 90]

AYES—112

Barrett (WI)
Bass
Bereuter
Berry
Bilbray
Blagojevich
Blumenauer
Brown (OH)
Camp
Carson
Chabot
Christensen
Coble
Coburn
Conyers
Costello
Coyne
Cunningham
Danner
DeFazio
Delahunt
Dellums
Dingell
Doyle
Duncan
Ensign
Evans
Fattah
Foglietta
Frank (MA)
Franks (NJ)
Ganske
Goode
Goodlatte
Gutierrez
Hamilton
Herger
Hilleary
Hinojosa
Holden
Inglis
Kanjorski
Kaptur
Kennedy (MA)
Kind (WI)
Kingston
Kleczka
Klug
LaFalce
Largent
Latham
Lazio
Leach
Levin
Lipinski
LoBiondo
Lowey
Luther
Maloney (NY)
Markey
McCarthy (MO)
McHugh
McInnis
McNulty
Meehan
Miller (CA)
Minge
Mink
Moakley
Molinari
Moran (VA)
Myrick
Nadler
Neumann
Nussle
Oberstar
Obey
Olver
Owens
Pallone
Paul
Paxon
Pelosi
Peterson (MN)
Pomeroy
Portman
Poshard
Ramstad
Rivers
Roemer
Roukema
Sanders
Sanford
Schaffer, Bob
Schumer
Shays
Shuster
Slaughter
Smith (MI)
Solomon
Stark
Strickland
Stupak
Tierney
Upton
Vento
Visclosky
Wamp
Watkins
Watts (OK)
Waxman
Woolsey

NOES—305

Abercrombie
Ackerman
Aderholt
Allen
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Becerra
Bentsen
Berman
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chambliss
Chenoweth
Clay
Clayton
Clyburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Everett
Ewing
Farr
Fawell
Fazio
Filner
Flake
Foley
Forbes
Ford
Fowler
Fox
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hill
Hilliard
Hinchey
Hobson
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
King (NY)
Klink
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Lantos
LaTourette
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Livingston
Lofgren
Lucas
Maloney (CT)
Manton
Martinez
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McIntosh
McIntyre
McKeon
McKinney
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Mollohan
Moran (KS)
Morella
Murtha
Neal
Nethercutt
Ney
Northup
Norwood
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Payne
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Riggs
Riley
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Schaefer, Dan
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Shimkus
Sisisky
Skaggs
Skeen
Skelton
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Stump
Sununu
Talent
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Torres
Traficant
Turner
Walsh
Waters
Watt (NC)
Weldon (FL)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—16

Andrews
Bishop
Clement
Cubin
Furse
Hefner
Hoekstra
Manzullo
Porter
Schiff
Smith (OR)
Tanner
Towns
Velazquez
Weldon (PA)
Yates

□ 1509

The Clerk announced the following pair:

On this vote:

Ms. Velázquez for, with Mr. Towns against.

Mr. SKAGGS and Mr. SALMON changed their vote from ''aye'' to ''no.''

Messrs. OWENS, SHUSTER, SCHUMER, and DELLUMS changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Chairman, today on rollcall vote No. 90 I was recorded as voting ''yes.'' I meant to cast a ''no'' vote. I oppose eliminating funding for the space station. This is a project which has my wholehearted support.

AMENDMENT OFFERED BY MR. ROEMER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ROEMER:

Page 40, after line 3, insert the following new section:

SEC. 206. CANCELLATION OF RUSSIAN PARTNERSHIP.

Not later than 90 days after the date of the enactment of this Act, the Administrator shall terminate all contracts and other agreements with the Russian Government necessary to remove the Russian Government as a partner in the International Space Station program. The National Aeronautics and Space Administration shall not enter into a new partnership with the Russian Government relating to the International Space Station. Nothing in this section shall prevent the National Aeronautics and Space Administration from accepting participation by the Russian Government or Russian entities on a commercial basis as provided in section 202. Nothing in this section shall prevent the National Aeronautics and Space Administration from purchasing elements of the International Space Station directly from Russian contractors.

Page 2, in the table of contents, after the item relating to section 205, insert the following:

''Sec. 206. Cancellation of Russian partnership.''.

Mr. ROEMER. Mr. Chairman, this amendment is very, very simple. All it does is to cancel out the Russian participation in the international space station.

Mr. Chairman, this amendment is simple and concise. It simply says that the Russians have not fulfilled their obligation under the contract of an international space station and, therefore, we should cancel the Russians out of this participation.

□ 1515

Simply put, in the amendment it says: However, nothing in this section shall prevent NASA from accepting participation from the Russian Government or Russian entities on a commercial basis as provided in section 202. That means they could be a tenant. They could add on something to the international space station.

Mr. Chairman, they are 11 months behind in fulfilling their fiduciary responsibility to the American taxpayer and to NASA to build the service module. The service module would keep the rest of the space station up, yet they have not built it, so the American taxpayer is going to assume the costs.

Now, there is a great line in the movie ''Jerry McGuire,'' and it is exchanged between the Academy Award winner, Cuba Gooding, and Tom Cruise. And he yells at the top of his lungs to Tom Cruise: Show me the money. He is yelling over and over, show me the money.

This relationship that we have between NASA and the United States could best be termed, throw me some money. Throw me money, American taxpayer, to the Russian space agency.

Let me go through some of the expenditures that the NASA budget is now throwing toward Russia. Let me remind the Members of the body that this is not the foreign aid bill that we are dealing with today, this is the NASA bill. Yet, in this bill and through the last several years with the Russians being our partner, we have paid them $463 million to rent Mir, and our distinguished chairman said earlier that that is not a very safe space station at this point, with a leak.

We have spent $215 million of U.S. taxpayer money on the service module, which is now 11 months late. We are taking $200 million out of the shuttle program and creating a new line item called the Russian cooperation program. We will probably send a couple hundred million more. That is close to $1 billion, Mr. Chairman, $1 billion of NASA money going to the Russians.

Now, if they were on time and on schedule and helping us in an international way, in a scientific manner complete the space station on time, I would say, let us go, let us have the participation.

The gentleman from Wisconsin [Mr. SENSENBRENNER] has tried to tighten up the accounting practices and put a better accountability into the bill, but if we cannot pay, and as Reuters, the news center says, the Russians are probably not going to have the money to pay; those accounting practices and principles do not do any good.

So I would really urge this body to even go further than the gentleman from Wisconsin [Mr. SENSENBRENNER] has gone in this bill with his language and really try to get the Russians to live up to their responsibility.

I will not call for a rollcall vote on this amendment, Mr. Chairman. I think this body has determined that they want to proceed with the space station with the last vote. But I would hope that this body would go beyond what the gentleman from Wisconsin [Mr. SENSENBRENNER] has done in this bill and at some point say to the Russians if they are not reliable partners, if they are not living up to their fiduciary responsibility of the contract, then we eliminate them.

It cannot just be foreign policy or goodwill. This is $1 billion in American taxpayer money being taken out of good projects in NASA to go to the Russian space agency. That is not wise, prudent science; that is not fair to our taxpayers. I would offer this amendment if I thought it had a good chance to pass. Based on the last vote, I am smart enough to know that it would not pass.

I will continue to fight the space station and try to get accountability in this account. I think the distinguished chairman from Wisconsin should go farther than he has done in this bill language, which I supported in committee. And I hope that the Russians, if they continue to be as unreliable as they have been, that the White House and the legislative body would come together and ask them to be removed from this partnership.

This is not an anti-Russian measure, Mr. Chairman. I think we should have a good, close engagement with the Russians, but we should not have foreign aid in the NASA bill.

Mr. Chairman, I will ask unanimous consent to withdraw the amendment, but first the distinguished gentleman from Wisconsin [Mr. SENSENBRENNER] may like to comment on this.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think this amendment can be appropriately dubbed the dumb like a fox amendment, because if it is passed and the Russians are kicked out now, that will result in a huge unanticipated cost that will bust the $2.1 billion cap that we have had, and then the gentleman from Indiana will come back and say, I told you so, there is a cost overrun, and we ought to pass my amendment to kill the space station to begin with.

So I do not think that we should pass this amendment, even though I have probably been the most severe critic of the Russian participation in this program in the entire Congress.

The problem, Mr. Chairman, is not the Russian technicians or the Russian manufacturers, it is the Russian Government and not making the payments to their contractors and subcontractors to do the work on those elements of the space station that the Russians agreed to build.

I certainly hope that Russia will clean up its act and live up to its international obligations, because this is the first test of whether the new Russia will do so; and so far, the Russians have flopped. They have broken promise after promise after promise made to me, made to the gentleman from California [Mr. LEWIS], who is the subcommittee chairman; made to the Vice President of the United States, made to the NASA administrator, and made to the President of the United States.

The problem, as I see it, is the fact that when this problem started to fester, the Clinton administration trusted the Russians to live up to their promises; and after they broke one promise after the other, the Clinton administration was not willing to admit that it made a mistake.

The provisions that we have in this bill are designed to make the Clinton administration reach timely decisions so that we do not have to spend an undue amount of extra money to replace what the Russians do not appear with, should that happen.

There is a provision in this bill that specifically prohibits NASA from paying the Russians to construct replacements for what the Russians promise to pay for in the original agreement. There are reporting requirements monthly so that NASA has to say in public whether Russia is completing its agreement or not. There is a deadline of August 1 for the President of the United States to make a certification of whether we go ahead with Russia included in this project.

To sum up, the decision to include the Russians and the details on the inclusion of the Russians were made not by the Congress but by the Clinton administration. If it does not work out

the way they advertised, then they are the ones that ought to admit that they made a mistake. This bill forces them to make a decision on that question one way or the other. If the decision is to disengage the Russians, the President of the United States will have to tell us that and the President of the United States will then have to tell us how much it will cost to make up for what the Russians were supposed to have done, and the Clinton administration relied on them, and their reliance was in error.

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

Mr. Chairman, very quickly, since my colleague from Indiana [Mr. ROEMER], says that he will withdraw this amendment, I want to take this time to once again congratulate the chairman of the committee, the gentleman from Wisconsin [Mr. SENSENBRENNER] and the gentleman from California [Mr. BROWN] for making sure that this Russian issue was settled within the committee and facing off with the administration, because H.R. 1275 does contain a number of tough provisions regarding the Russian participation in the Space Station Program.

Cooperation with the Russian Government does offer many benefits to this country in terms of the space program. However, that cooperation has to be based on each party living up to its commitments. The space station provisions in this bill send a strong signal to Russia that we expect them to deliver on their promises. The provisions also direct NASA and the administration to prepare credible contingency plans in case the Russian contributions are further delayed.

So I think we have accomplished what my colleague would set out to accomplish by this amendment. I am opposed to the amendment.

Mr. ROEMER. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. Under the 5-minute rule, the gentleman's time expired.

Mr. LEWIS of California. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Chairman, I appreciate the kindness of the gentleman from California [Mr. LEWIS]. I would only say that I did vote for the Sensenbrenner and Brown language in committee, which does establish some accounting and some different monitoring mechanisms and does try to establish a structure to make the Russians more accountable for the rest of their participation.

I would hasten to add that I hope that, if the administration certifies in August that they still think that the Russians should be a participant, then we might visit this as a Congress again if the Russians are still not performing up to the tasks that are outlined under the agreements to pay for certain things on time, which if they do not, delays the rest of the schedule and increases the cost of the space station, that Congress would have a discussion with the administration and potentially revisit this issue again.

Mr. LEWIS of California. Mr. Chairman, reclaiming my time, I first would like to indicate that I very much appreciate on the one hand the gentleman suggesting that the amendment is going to be withdrawn; but on the other hand, I think it is very valuable that the gentleman brought this matter up in this fashion, for it is important that the House be aware of these problems and it is important that the committee be responsive to these concerns.

There is little doubt in my mind's eye that having this international cooperative effort go forward positively is extremely valuable to everybody involved. Indeed, the foreign policy implications are obvious to anybody who would look. But in turn, as these difficulties have arisen relative to Russia's commitment, it is vital that the committee be responsive and make sure that we have mechanisms for judging the progress in the months ahead. So I am very appreciative of the work that the committee has done.

I would be happy to yield further to the gentleman from Indiana.

Mr. ROEMER. Mr. Chairman, I appreciate the kind words of the gentleman. I just hope that we are not doing too little too late. That the Russians, if they are going to be genuine partners, that they pay their bills on time, that they genuinely perform the services that they are contracted under, and I would hope, and I have confidence in the gentleman from California [Mr. LEWIS], and the Committee on Appropriations and the gentleman from Wisconsin on the authorizing committee, that if it continues to slip like it has been slipping, that we really hold them to task and revisit this entire issue.

I would ask unanimous consent to withdraw the amendment at the appropriate time, given the fine assurances that I have from the gentleman from California and the concern expressed from the gentleman from Wisconsin.

Mr. LEWIS of California. Mr. Chairman, just by way of closing comment, let me say that I have long appreciated the gentleman's involvement in this issue. Who knows, with the progress we are making here, my colleague may one day support space station, and I would appreciate that as well.

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

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

There was no objection.

Are there further amendments?

□ 1530

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment Offered by Ms. JACKSON-LEE of Texas:

Page 31, strike lines 8 through 12 and insert the following:

SEC. 129. INTERNATIONAL SPACE UNIVERSITY.

Funds appropriated pursuant to this Act may be used by the National Aeronautics and Space Administration to pay the tuition expenses of any National Aeronautics and Space Administration employee attending programs of the International Space University held in the United States. Funds appropriated pursuant to this Act may not be used to pay tuition costs of the National Aeronautics and Space Administration employees attending programs of the International Space University outside of the United States.

Mr. SENSENBRENNER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD

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

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Chairman, first let me thank the chairman of the Committee on Science for his cooperation and his staff's cooperation, along with the ranking member, the gentleman from California [Mr. BROWN], and the staff that worked with my office on an issue that has been consistently an important part of my commitment to science. That is the issue of education.

Mr. Chairman, this amendment involves the support of the International Space University, but as well, it recognizes the value that it has to our own NASA employees.

We have already acknowledged that the NASA employees are both dutiful, certainly, and dedicated to the idea of science and research. The International Space University was founded in 1987 in Cambridge, MA, as an international institution of higher learning dedicated to the development of outer space for peaceful purposes through multicultural and multidisciplinary education and research programs. Frankly, it is a diplomatic way to say that space belongs to all of us, but we must do it in a cooperative way.

Mr. SENSENBRENNER. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, it is my understanding that the gentlewoman's amendment prohibits NASA from paying tuition for employees' courses at the International Space University for programs outside the United States, but allows for NASA to pay tuition and fees for programs within the United States.

I ask the gentlewoman, is my impression correct?

Ms. JACKSON-LEE of Texas. Mr. Chairman, the gentleman is in fact correct on that.

Mr. SENSENBRENNER. With that explanation, Mr. Chairman, let me say that I support the amendment and I do hope it is adopted.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I appreciate that clarification of the gentleman. I think with

that clarification, it will still be of great assistance to the training of our NASA employees.

Might I say in closing two points: NASA has been involved with ISU since 1988 with the signing of a memorandum of understanding. In fact, we will have the International Space University housed in Houston, TX, this summer. It travels throughout the United States and the world. I look forward to it going to many of our jurisdictions and being of value.

Mr. Chairman, I quote for the RECORD from a letter from J. Wayne Littles, director of the NASA's Marshall Space Flight Center, who indicates that NASA is very supportive of the International Space University. It is part of the agency's training.

. . . ISU provides a unique opportunity for NASA employees to interact with others in an international setting. In an expanding global economy and at a time when space and aeronautics activities are increasingly international in scope, this training is extremely valuable for NASA employees.

Mr. Chairman, I include for the RECORD the letter from J. Wayne Littles.

The letter referred to is as follows:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION,
Washington, DC, April 24, 1997.

Hon. SHEILA JACKSON-LEE,
U.S. House of Representatives,
Washington, DC.

DEAR MS. JACKSON-LEE: It is my understanding that you plan to introduce an amendment to H.R. 1275, the Civilian Space Authorization Act, Fiscal Years 1998 and 1999, concerning Sec. 129, International Space University Limitation.

NASA is very supportive of International Space University (ISU). As part of the agency's training program, ISU provides a unique opportunity for NASA employees to interact with others in an international setting. In an expanding global economy and at a time when space and aeronautics activities are increasingly international in scope, this training is extremely valuable for NASA employees.

Past participants have rated ISU as a very high quality training experience. In addition to an excellent curriculum, ISU has afforded participants an opportunity to learn from other space agencies and multinational organizations, especially in areas such as strategic business practices, technical strengths and weaknesses, and cultural traditions in the workplace.

The realities of limited Government funding for space activities worldwide require NASA to be a skilled international player. We believe that participation in ISU helps NASA maintain its leadership position in the world space community. Current and future NASA personnel must be able to participate effectively in this community, and ISU provides an excellent venue for developmental opportunities for the NASA workforce. The international perspective gained by NASA staff who participate in ISU programs will contribute strongly to the success of NASA's mission.

We appreciate your work on behalf of this unique institution.

Sincerely,

J. WAYNE LITTLES,
Director, NASA Marshall Space Flight Center.

Mr. Chairman, I ask my colleagues to support this amendment.

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

Mr. Chairman, I would like to rise in support of this amendment. I admire my colleague, the gentlewoman from Texas. She is certainly a tireless advocate for NASA, for space station, for all of NASA's issues. I congratulate the chairman for supporting this amendment. I, too, believe that ISU is a useful, innovative approach. It is educating the young people who will lead the international space ventures of the future.

I also, in endorsing the International Space University, want to endorse, as the gentlewoman read, the letter from my director of Marshall Space Flight Center, Dr. Wayne Littles.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas [Ms. JACKSON-LEE].

The amendment was agreed to.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment dealing with essential NASA employees.

The Clerk read as follows:

Amendment offered by Ms. Jackson-Lee of Texas:

Page 75, after line 12, insert the following new section:

''SEC. 323. TREATMENT OF EMPLOYEES IN CASE OF LAPSE OF APPROPRIATIONS.

In any case in which the Congress fails to make appropriations for the National Aeronautics and Space Administration for a fiscal year in advance of the fiscal year, every employee of the National Aeronautics and Space Administration shall be considered as essential.''

Page 3, in the table of contents, after the item relating to section 322, insert the following:

''Sec. 323. Treatment of employees in case of lapse of appropriations.''

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to support and offer this amendment in order, frankly, to save money.

We have determined in the last Government furlough, which none of us certainly would have welcomed, and certainly do not welcome that in the future, that in actuality we lost money. There were millions and millions of dollars spent by way of employees being furloughed for the backlog that had to be recouped upon their return.

NASA has essential duties, if you will. For if, for example, during a future Government shutdown that none of us would argue for, a shuttle flight is in progress, this amendment would ensure against unintended results because of budget negotiations. In fact, this would protect lives and provide a measure of safety for the utilization of the right employees and using them in the proper manner.

This amendment would designate NASA employees as essential personnel, causing important duties to be carried on, and furthermore, causing NASA to value and save necessary dollars.

This amendment, as well, Mr. Chairman, does give the opportunity for the director of NASA to make selections, but it does say that in order to ensure the safe, ongoing responsibilities of NASA that these employees be declared as essential, saving us money, and again, protecting the responsibilities and duties of NASA.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment is micromanagement in its worst way. The NASA administrator has got the power to declare all employees in his agency essential, should there be a Government shutdown. He has the discretion to make a determination on which employees are vital for the health and safety of continued operations of NASA.

So to say that mission control walks off the job if there should be a Government shutdown while a space shuttle mission is up is ridiculous, because that is not going to happen. The NASA administrator has the power to make sure that those people who are responsible for the safe operation of the shuttle mission report to work and do their jobs as usual. That is what happened during the unfortunate Government shutdowns that we had in the last 2 years.

Mr. Chairman, this amendment is also unfair because it singles out NASA employees. Why should all NASA employees be declared essential but not all employees of the FBI, not all employees of the Treasury Department, not all employees of the Department of Health and Human Services, or any other department?

Mr. Chairman, I know that having a broader amendment would be ruled out of order as nongermane, but I think that it shows the terrible precedent this sets if we legislatively decree that employees of one department are all essential but not decree that employees of other departments are all essential.

Having said that, Mr. Chairman, let me say that it is my hope that we never have another Government shutdown. There are Members that are working on legislation that provide for a continuation of appropriations if a budget deal is not reached by September 30. We have had a similar law on the books in the State of Wisconsin, where I served in the State legislature for 10 years before I was elected to Congress.

When the budget was not passed on time, which was more often than when the budget was passed on time, the agencies simply continued at the existing level of appropriations, or at some other level that was determined by State law, and nobody was furloughed. Mr. Chairman, I hope that before September 30 we are able to get a similar law like that on the books. I can pledge my support to it.

That is the right way to go about this problem. The amendment offered by the gentlewoman from Texas is the wrong way. I would urge its defeat.

Mr. CRAMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I support the intent of this amendment. I think we talk too little about NASA employees. I am proud of their dedicated work. Unfortunately, they are held hostage every year as we face these relentless amendments that are offered on the floor, particularly by the gentleman from Indiana [Mr. ROEMER].

The NASA employees are not faceless bureaucrats, they are people who have been downsized and streamlined, and year after year they are asked to do more with less, but they have delivered. I think the gentlewoman from Texas [Ms. JACKSON-LEE] is doing them a valuable service by offering this amendment here today. They deserve our support. Let us keep them on the job.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for yielding. Let me respond to the chairman and his comments. He is right, for us to do anything else today for the Department of Health and Human Services, Department of Justice, the FBI, would certainly be far-reaching.

The question of NASA's essentiality has to do a lot with NASA's agenda. That is, NASA is not on the ground, it is in space. On many occasions the need to be able to respond to the urgencies of space and a space shuttle being in need of the whole team being in place is the real issue behind making these employees essential.

Let us not in any way think about shutting down the Government again. I agree with the chairman, I do not want to shut down the Government. I agree with the ranking member, we never want to see that happen. But I do believe that because of the unique nature of NASA's business, it would be appropriate to declare these particular employees essential.

Mr. Chairman, might I say, however, I would inquire of the chairman, the gentleman from Wisconsin [Mr. SENSENBRENNER] on the basis the uniqueness of NASA's responsibilities, do we have any reason to believe that we would be able to find compromise on this language?

Mr. SENSENBRENNER. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. The answer is no, Mr. Chairman, because I think the principle of the amendment is bad. We should not be micromanaging the agency. If there is an emergency like a Government shutdown, I have every confidence in the NASA administrator to do the right thing.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the chairman for that. I vigorously disagree, however, Mr. Chairman. I am going to pursue this language further, and work to be able to define further the language that will appropriately separate out NASA employees for what I think is a very important responsibility.

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

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment on minority university research and education programs.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Ms. JACKSON-LEE of Texas:

Page 17, line 22, strike ''$102,200,000'' and insert ''$110,300,000''.

Page 18, line 4, strike ''$46,700,000'' and insert ''$54,800,000''.

Page 18, line 8, strike ''$108,000,000'' and insert ''$116,100,000''.

Page 18, line 9, strike ''$51,700,000'' and insert ''$59,800,000''.

Ms. JACKSON-LEE of Texas. Mr. Chairman, this follows a line of consistency as it relates to education and science. This restores the dollars of this present level of authorization to the minority university research and education programs. It acknowledges the wealth of diversity in this country. It respects the excitement and, of course, the wealth of experience and diversity brought to us by the different communities in our Nation.

The minority university research and education programs are beneficial to developing national research that uses all of our Nation's strength in the sciences. This in particular covers Hispanics and all other minorities other than African-Americans. It restores the minority university funding to the fiscal year 1997 funding.

HBCU's and other minority universities are considered minority categories within the budget of NASA. Therefore, we are very much interested in being consistent in ensuring that Hispanic universities, those who are serving Hispanic constituencies and other minority groups have the same fair access to research dollars. This is not taking away to give to others, this is restoring dollars that were allotted in fiscal year 1997 funding.

Mr. Chairman, it is a known fact that this country is becoming increasingly diverse. It is a known fact that the Hispanic population is increasing. Therefore, I would argue that it is only fair to keep at the same level the funding to enhance research in the area of science in these universities that serve Hispanic populations.

Mr. Chairman, I would ask my colleagues to join me in equalizing science research by supporting this amendment that helps Hispanic universities or those universities serving Hispanic populations to be an equal player in the area of research and education as it relates to science.

In closing, Mr. Chairman, I would simply say that we can do this certainly in a manner that answers the question that I have always raised: Is science going to be the work of the 21st century? I believe it is. If it is going to be the science of the 21st century, we need to prepare Americans for that.

Americans are diverse. They live in diverse areas. This assures that universities that serve Indian populations, Hispanic populations, Asian populations, and other populations predominantly, other than African-Americans, will be able to play in the arena of science research.

□ 1545

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I respectfully disagree with the gentlewoman from Texas saying this amendment is necessary to equalize money that is spent between minority and nonminority students at universities that get NASA education funds. The figures are exactly the opposite and if we were to equalize the amount of money that was spent, we would be cutting the minority account even further than what is proposed in the bill.

Let me give you those figures. For the nonminority students and faculty, approximately 700,000 to 750,000 faculty and students benefit by the education programs of NASA every year. In the bill's figures in fiscal 1998, that amounts to approximately $76.55 spent per faculty or student from the education and program account in the nonminority institutions.

Using the bill's figures in the minority institutions in fiscal 1998, there will be 50,000 faculty and students benefited, and of those 50,000 students, approximately $934 will be spent per faculty and student in the minority research and education programs. So the minority research and education programs are getting 11 to 12 times the amount of money per student than the nonminority research and education programs, and the amendment of the gentlewoman from Texas wants to make that disparity still bigger. I think that is unfair.

Second, the amendment of the gentlewoman from Texas does not increase the total authorization for NASA. So while she pluses up the education account for NASA, that means that the other accounts will end up having their programs and their people reduced as a result of what is effectively an earmark. That means less money for science, less money for Mission to Planet Earth, less money for human space flight, less money for the Johnson Space Center in Houston, less money for the Kennedy Space Center in Florida, simply because of the direction that she is putting the capped amount of money in the authorization bill into this particular program.

So for this reason and the fact that we already are spending 11 to 12 times as much per faculty and student in the minority programs and should not increase that still further, contrasted to the nonminority programs, I would hope that this amendment would be defeated.

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

Mr. Chairman, I would like to rise in support of the intent of this amendment. There is no question that we need to do all we can to ensure that all of our young people have an equal opportunity to an education. Our Nation will need the skilled scientific and engineering personnel that we can educate if we are to remain competitive in the 21st century.

However, I would hope that we could conduct hearings to examine how these academic programs are working as well as what additional resources might be needed.

Mr. Chairman, I yield to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for his kind inquiries.

I do agree that we can in the long run look at this as a global issue, how do we train our young people for the 21st century.

I would simply say, in response to the gentleman from Wisconsin [Mr. SENSENBRENNER] that this is a restoration of funds that were allotted in fiscal year 1997 when Mission to Planet Earth was funded, when the manned space shuttle was funded, when research was funded. So, therefore, we are not in a situation where we would be denying the funding to those particular items in fiscal year 1998.

This is a mere restoration of funds that will help in large part Hispanic universities, those that are traditionally serving Hispanic populations, those that are serving other minorities. As I indicated, this is an increasingly diverse country, and what we want most of all is to prepare professionals that would be able to take on the requirements of space and science in those careers.

Therefore, it is important that we support institutions that serve these minorities in the area of science and research. This does that. It gives them the latitude to draw down on funds that will allow them to have professors, to do research, to provide dollars in those particular areas.

Often we find out that in those areas that serve Hispanics and other minorities, there is a shortage of funds. They have to make choices. In many instances, they make the choices contrary to science and math and research.

This is to emphasize that we believe that they should be brought into the 21st century as well and to give them the opportunity to use these funds so that in the future that we see a rainbow array of astronauts, a rainbow array of scientists and engineers and those that work on planning the space station because they have been trained in these disciplines.

I think that this is a worthwhile investment, not only in these institutions but, frankly, in America. It is a worthwhile investment in what we purport to be as we move toward the 21st century. I think that we should have the whole net included, Hispanics, other minorities, African-Americans and all others, excited about space, researching in space, being taught, learning and, of course, having institutions with the quality of expertise so that we can produce these kinds of professionals.

I ask my colleagues to consider this amendment and consider broadening the net and allowing us to invest in our future.

Mr. BROWN of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as I understand the amendment of the gentlewoman from Texas, it proposes to increase the education funding back to the same level as the current year, which requires about an $8.1 million increase, which is offset in her amendment. I would be unfaithful to my district if I did not support this, because I have a district which is predominantly Hispanic. And we have a number of institutions in southern California which meet the criteria of institutions that would be benefited by this.

I am also aware of the fact that we have in some of our own territories institutions of higher education which would benefit from the additional funds that this amendment would produce and particularly need and would appreciate the additional assistance, even if for only a few hundred thousand dollars, to the improvement of math, science, and engineering education.

I think this is a worthy educational initiative. It goes to a category of students who we are seeking most assiduously to bring into these areas, and we are not going to bring them into these areas if we do not provide the additional assistance, as well as provide the hope of career opportunities in these fields which I think that we are beginning to do at the present time but still in insufficient numbers.

So for all of these reasons, I would like to support this amendment and hope that the Members will vote for it.

The CHAIRMAN pro tempore [Mr. NEY]. The question is on the amendment offered by the gentlewoman from Texas [Ms. JACKSON-LEE].

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

RECORDED VOTE

Ms. JACKSON-LEE of Texas. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 186, noes 226, not voting 21, as follows:

[Roll No. 91]

AYES—186

Abercrombie
Ackerman
Allen
Baldacci
Barrett (WI)
Barton
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Carson
Clayton
Clyburn
Conyers
Costello
Coyne
Cummings
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dixon
Doggett
Dooley
Edwards
Engel
Ensign
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fox
Frank (MA)
Frost
Gejdenson
Gephardt
Gilman
Gonzalez
Goode
Gordon
Green
Gutierrez
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hooley
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Lazio
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McDade
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pitts
Poshard
Price (NC)
Quinn
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Shays
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Tauscher
Thompson
Thurman
Tierney
Torres
Traficant
Turner
Vento
Visclosky
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Weygand
Wise
Woolsey
Wynn

NOES—226

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boucher
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Davis (VA)
Deal
DeLay
Dickey
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fawell
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger

Hill	Mica	Sensenbrenner
Hilleary	Miller (FL)	Sessions
Hobson	Molinari	Shadegg
Holden	Moran (KS)	Shaw
Horn	Moran (VA)	Sherman
Hostettler	Morella	Shimkus
Hulshof	Murtha	Shuster
Hunter	Nethercutt	Sisisky
Hutchinson	Neumann	Skeen
Hyde	Ney	Smith (MI)
Inglis	Northup	Smith (NJ)
Istook	Norwood	Smith (TX)
Jenkins	Oxley	Smith, Linda
Johnson (CT)	Packard	Snowbarger
Johnson, Sam	Pappas	Solomon
Jones	Parker	Souder
Kanjorski	Paul	Spence
Kasich	Paxon	Stearns
Kelly	Pease	Strickland
Kim	Peterson (MN)	Stump
King (NY)	Peterson (PA)	Stupak
Kingston	Petri	Sununu
Klug	Pickering	Talent
Knollenberg	Pickett	Tauzin
Kolbe	Pombo	Taylor (MS)
LaHood	Pomeroy	Taylor (NC)
Largent	Portman	Thomas
Latham	Pryce (OH)	Thornberry
LaTourette	Radanovich	Thune
Leach	Ramstad	Tiahrt
Lewis (CA)	Regula	Upton
Lewis (KY)	Riggs	Walsh
Linder	Riley	Watkins
Lipinski	Rogan	Weldon (FL)
Livingston	Rogers	Weldon (PA)
LoBiondo	Rohrabacher	Weller
Lucas	Roukema	Wexler
McCarthy (MO)	Royce	White
McCollum	Ryun	Whitfield
McHale	Salmon	Wicker
McHugh	Sanford	Wolf
McInnis	Saxton	Young (AK)
McIntosh	Scarborough	Young (FL)
McKeon	Schaefer, Dan	
Metcalf	Schaffer, Bob	

NOT VOTING—21

Andrews	Hall (OH)	Porter
Clay	Hefner	Schiff
Clement	Hoekstra	Smith (OR)
Condit	Manzullo	Tanner
Cubin	McCrery	Towns
DeFazio	Myrick	Velazquez
Furse	Nussle	Yates

□ 1614

The Clerk announced the following pairs:

On this vote:

Mr. Towns for, with Mr. Manzullo against.
Ms. Velázquez for, with Mrs. Cubin against.

Messrs. GEJDENSON, DOOLEY of California, WAMP, and QUINN changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. MANZULLO. Mr. Chairman, due to an illness in my family, I was unable to be present for two House recorded floor votes on Thursday, April 24. Had I been present, I would have voted as follows:

On rollcall vote No. 90: ''Yes'' (Roemer amendment).

On rollcall vote No. 91: ''No'' (Jackson-Lee amendment).

□ 1615

The CHAIRMAN pro tempore [Mr. NEY]. Are there further amendments?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

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

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. BARRETT of Nebraska] having assumed the chair, Mr. NEY, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1275) to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 1998 and 1999, and for other purposes, pursuant to House Resolution 128, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

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

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1273, 1274 and 1275, the bills passed today.

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

There was no objection.

REREFERRAL OF H.R. 892, AARON HENRY UNITED STATES POST OFFICE

Mr. KIM. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform and Oversight be discharged from further consideration of the bill, H.R. 892, and that the bill be rereferred to the Committee on Transportation and Infrastructure.

This bill would redesignate the Federal building located at 223 Sharkey Street in Clarksdale, MS, as the Aaron Henry United States Post Office.

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

There was no objection.

PROVIDING FOR LUMP SUM ALLOWANCE FOR CORRECTIONS CALENDAR OFFICE

Mr. GUTKNECHT. Mr. Speaker, I offer a resolution (H. Res. 130) and I ask unanimous consent for its immediate consideration.

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

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 130

Resolved,

SECTION 1. LUMP SUM ALLOWANCE FOR CORRECTIONS CALENDAR OFFICE.

There shall be a lump sum allowance of $300,000 per fiscal year for the salaries and expenses of the Corrections Calendar Office, established by House Resolution 7, One Hundred Fifth Congress, agreed to January 7, 1997. Such amount shall be allocated between the majority party and the minority party as determined by the Speaker, in consultation with the minority leader.

SEC. 2. EFFECTIVE DATE.

The allowance under section 1—

(1) shall be available beginning with the month of May 1997;

(2) through the end of September 1997, shall be paid from the applicable accounts of the House of Representatives on a pro rata basis; and

(3) beginning with fiscal year 1998, shall be paid as provided in appropriations Acts.

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

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

There was no objection.

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

The resolution was agreed to.

A motion to reconsider was laid on the table.

ADJOURNMENT TO MONDAY, APRIL 28, 1997

Mr. GUTKNECHT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

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

There was no objection.

HOUR OF MEETING ON TUESDAY, APRIL 29, 1997

Mr. GUTKNECHT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, April 28, 1997, it adjourn to meet at 12:30 p.m. on Tuesday, April 29, 1997, for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GUTKNECHT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

LET US GIVE OUR KIDS A HEAD START ON LIFE

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

Mr. MCGOVERN. Mr. Speaker, last week I joined with several of my colleagues in attending a White House Conference on Early Childhood Development. This conference focused on new scientific research that confirms what many parents have suspected for a long time: that the first few years of a child's life are critical, absolutely critical to that child's intellectual, emotional, and social development.

Last week I joined with the gentlewoman from Connecticut [Ms. DELAURO] and the gentleman from Maryland [Mr. HOYER] in introducing H.R. 1373, the Early Learning and Opportunity Act. One key component of our bill is increased Federal funding for the Head Start and Early Start programs, two true success stories in the effort to prepare our children for a lifetime of education.

I have taken to this well many times to speak of my support for improving the scope and quality of American education. But we must never forget that a child starts learning long before they enter their first classroom. If one believes, as I do, that education is truly the key to our Nation's economic future, we must begin early. The DeLauro-Hoyer-McGovern bill takes a solid first step in ensuring that our Nation's children can learn, share, and mature to their fullest potential.

Mr. Speaker, I include the following material for the RECORD that contains some additional facts regarding early childhood development.

THE EARLY LEARNING AND OPPORTUNITY ACT

(Original cosponsors: DeLauro, Hoyer, McGovern)

FINDINGS

The first three years of life are a critical period of brain development, intellectual growth, and emotional, social, affective, and moral development, which prepares a child for later life.

Scientific research shows that how individuals function from preschool through adolescence and adulthood hinges to a significant extent on the experiences children have in their first three years.

One in three victims of physical abuse is under one year old.

The National Educational Goals Panel has reported that nearly half of infants do not have what they need to grow and thrive.

High quality care from a parent or other adult is necessary to facilitate growth and development before the age of three.

More than half of mothers with babies under one year of age are working outside the home.

More than 50% of working women are not covered by the Family and Medical Leave Act, which provides a twelve week, unpaid maternity leave.

The United States is the only industrialized country in the world which does not provide paid maternity leave. 30 developing countries provide paid maternity leave.

5 million children under age three are in the care of other adults while their parents work outside the home.

According to the Carnegie Foundation ''Starting Points'' report, most parents of babies have few child care options. Many cannot afford to stay home with their children, or to pay for safe, high quality developmental child care.

State-wide and multi-state studies have found that less than 20% of child care for babies is of good quality; nearly half is so substandard that it adversely affects infant and toddler development and may put babies' health and safety at risk.

Families with children under the age of three are the single largest group living in poverty. 25% of children under the age of three—3 million children—are living below the poverty line, and are at greater risk for malnutrition, poor health, and maltreatment, and are less likely to receive the care they need from parents or other child care providers to grow and develop normally.

EARLY LEARNING AND OPPORTUNITY ACT

STATUS OF AMERICAN INFANTS AND TODDLERS FACT SHEET

Poor developmental outcomes early in life have been shown to be significant risk factors for academic failure, teen pregnancy, and juvenile delinquency later in life.

In 1993, the National Educational Goals Panel reported that nearly half of infants in the United States do not have what they need to grow and thrive.

According to the Carnegic Foundation ''Turning Points'' report, most parents today have few choices for infant and toddler care. Even middle class parents cannot afford to stay at home with their children, and yet cannot afford high quality child care which will promote normal development.

Fewer than half of America's working women are covered by the Family and Medical Leave Act, which provides a 12-week, unpaid leave to parents of companies which employ more than 50 employees.

The United States is the only industrialized country in the world which does not provide paid maternity leave.

Thirty developing countries provide paid maternity leave.

More than half of mothers with babies under one year of age are working outside the home.

More than 5 million American children under age 3 are in the care of other adults while their parents work outside the home.

Studies of care for very young children show that less than 20 percent of such care is of good quality.

One multistate study showed that 40 percent of child care for babies was so poor that it adversely affected the babies' development and threatened their health and safety.

One in three victims of physical abuse is a baby less than one year of age.

Families with children under age 3 are the single largest group living in poverty.

Three million children—25% of all children under age 3—are living below the poverty line, at greater risk for malnutrition, poor health, and maltreatment, and are less likely to receive the care they need from parents or other child care providers to grow and develop normally.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. NEY). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. RIGGS] is recognized for 5 minutes.

[Mr. RIGGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET REGARDING CURRENT LEVELS OF SPENDING AND REVENUES REFLECTING ACTION COMPLETED AS OF MARCH 25, 1997 FOR FISCAL YEARS 1997–2001

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. KASICH] is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, on behalf of the Committee on the Budget and pursuant to sections 302 and 311 of the Congressional Budget Act, I am submitting for printing in the CONGRESSIONAL RECORD an updated report on the current levels of on-budget spending and revenues for fiscal year 1997 and for the 5-year period fiscal year 1997 through fiscal year 2001.

This report is to be used in applying the fiscal year 1997 budget resolution (H. Con. Res. 178), for legislation having spending or revenue effects in fiscal years 1997–2001.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, April 11, 1997.

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

DEAR MR. SPEAKER: To facilitate application of sections 302 and 311 of the Congressional Budget Act, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 1997 and for the 5-year period fiscal year 1997 through fiscal year 2001.

The term ''current level'' refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature as of February 28, 1997.

The first table in the report compares the current level of total budget authority, outlays, and revenues with the aggregate levels set by H. Con. Res. 178, the concurrent resolution on the budget for fiscal year 1997 as adjusted pursuant to 606(e) of the Budget Act for continuing disability reviews. This comparison is needed to implement section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 1997 because appropriations for those years have not yet been considered.

The second table compares the current levels of budget authority, outlays, and new entitlement authority of each direct spending committee with the ''section 602(a)'' allocations for discretionary action made under H. Con. Res. 178 for fiscal year 1997 and for fiscal years 1997 through 2001. ''Discretionary action'' refers to legislation enacted after adoption of the budget resolution. This comparison is needed to implement section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 602(a) discretionary action allocation of new budget authority or entitlement authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of discretionary appropriations for fiscal year 1997 with the revised ''section 602(b)'' sub-allocations of discretionary budget authority and outlays among Appropriations subcommittees. This comparison is also needed to implement section 302(f) of the Budget Act, because the point of order under that section also applies to measures that would breach the applicable section 602(b) sub-allocation. The revised section 602(b) sub-allocations were filed by the Appropriations Committee on September 27, 1996.

Sincerely,

JOHN R. KASICH,
Chairman.

Enclosures.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 1997 CONGRESSIONAL BUDGET ADOPTED IN HOUSE CONCURRENT RESOLUTION 178

[Reflecting action completed as of March 25, 1997—On-budget amounts, in millions of dollars]

	Fiscal years–	
	1997	1997–2001
Appropriate Level (as amended by P.L. 104–93):		
Budget authority	1,314,935	6,956,507
Outlays	1,311,321	6,898,627
Revenues	1,083,728	5,913,303
Current Level:		
Budget authority	1,331,836	(1)
Outlays	1,323,900	(1)
Revenues	1,104,262	5,975,917
Current Level over (+)/under (−) Appropriate Level:		
Budget authority	16,901	(1)
Outlays	12,579	(1)
Revenues	20,534	62,614

[1] Not applicable because annual appropriations Acts for Fiscal Years 1997 through 2001 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

FY 1997 budget authority exceeds the appropriate level set by H. Con. Res. 178 as amended by P.L. 104–93. Enactment of measures providing any new budget authority for FY 1997 would be subject to point of order under section 311(a) of the Congressional Budget Act of 1974.

OUTLAYS

FY 1997 outlays exceed the appropriate level set by H. Con. Res. 178 as amended by P.L. 104–93. Enactment of measures providing any new outlays for FY 1997 would be subject to point of order under section 311(a) of the Congressional Budget Act of 1974.

REVENUES

Enactment of any measure that would result in any revenue loss in excess of $20,534,000,000 for FY 1997 (if not already included in the current level estimate) or in excess of $62,614,000,000 for FY 1997 through 2001 (if not already included in the current level) would cause revenues to be less than the recommended levels of revenue set by H. Con. Res. 178.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a), REFLECTING ACTION COMPLETED AS OF MARCH 25, 1997

[Fiscal years, in millions of dollars]

	1997			1997–2001		
	BA	Outlays	NEA	BA	Outlays	NEA
House Committee:						
Agriculture:						
Allocation	0	0	0	0	0	4,996
Current Level	5	5	5	55	55	55
Difference	5	5	5	55	55	−4,941
National Security:						
Allocation	−1,579	−1,579	0	−664	−664	0
Current Level	−102	−102	−21	−289	−289	−34
Difference	1,477	1,477	−21	375	375	−34
Banking, Finance and Urban Affairs:						
Allocation	−128	−3,700	0	−711	−4,004	0
Current Level	0	−6	0	0	0	0
Difference	128	3,694	0	711	4,004	0
Economic and Educational Opportunities:						
Allocation	−912	−800	−152	−3,465	−3,153	7,669
Current Level	1,967	1,635	1,816	11,135	10,296	8,852
Difference	2,879	2,435	1,968	14,600	13,449	1,183
Commerce:						
Allocation	0	0	370	−14,540	−14,540	−41,710
Current Level	3	3	492	242	195	1,430
Difference	3	3	122	14,782	14,735	43,140
International Relations:						
Allocation	0	0	0	0	0	0
Current Level	−1	−1	0	−1	−1	0
Difference	−1	−1	0	−1	−1	0
Government Reform and Oversight:						
Allocation	−1,078	−1,078	−289	−4,605	−4,605	−1,668
Current Level	0	0	0	0	0	0
Difference	1,078	1,078	289	4,605	4,605	1,668
House Oversight:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Resources:						
Allocation	−91	−90	−12	−1,401	−1,460	−59
Current Level	−19	−20	0	−144	−167	0
Difference	72	70	12	1,257	1,293	59
Judiciary:						
Allocation	0	0	0	−357	−357	0
Current Level	3	3	0	45	45	0
Difference	3	3	0	402	402	0
Transportation and Infrastructure:						
Allocation	2,280	0	0	125,989	521	2
Current Level	2,345	65	12	4,748	121	56
Difference	65	65	12	−121,241	−400	54
Science:						
Allocation	0	0	0	−13	−13	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	13	13	0
Small Business:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Veterans' Affairs:						
Allocation	−90	−90	224	−919	−919	3,475
Current Level	0	0	3	0	0	−52
Difference	90	90	−221	919	919	−3,527
Ways and Means:						
Allocation	−8,973	−9,132	−2,057	−134,211	−134,618	−10,743
Current Level	8,338	8,302	−2,840	73,457	73,476	−38,717
Difference	17,311	17,434	−783	207,668	208,094	−27,974
Select Committee on Intelligence:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Total Authorized:						
Allocation	−10,571	−16,469	−1,916	−34,897	−163,812	−38,038
Current Level	12,539	9,884	−533	89,248	83,731	−28,410
Difference	23,110	26,353	1,383	124,145	247,543	9,628

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 1997—COMPARISON OF CURRENT LEVEL WITH SUBALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(b)

[In millions of dollars]

	Revised 602(b) suballocations (Sept. 27, 1996)				Current level reflecting action completed as of Mar. 25, 1997				Difference			
	General purpose		Violent crime		General purpose		Violent crime		General purpose		Violent crime	
	BA	O	BA	O	BA	O	BA	O	BA	O	BA	O
Agriculture Rural Development	12,960	13,380	0	0	13,009	13,373	0	0	49	−7	0	0
Commerce, Justice, State	24,493	24,939	4,525	2,951	24,838	25,065	4,526	2,954	345	126	1	3
Defense	245,085	243,372	0	0	243,851	242,887	0	0	−1,214	−485	0	0
District of Columbia	719	719	0	0	719	719	0	0	0	0	0	0
Energy & Water Development	19,421	19,652	0	0	19,973	19,923	0	0	552	271	0	0
Foreign Operations	11,950	13,311	0	0	12,267	13,310	0	0	317	−1	0	0
Interior	12,118	12,920	0	0	12,503	13,178	0	0	385	258	0	0
Labor, HHS & Education	65,625	69,602	61	38	71,026	71,517	61	39	5,401	1,915	0	1
Legislative Branch	2,180	2,148	0	0	2,170	2,132	0	0	−10	−16	0	0
Military Construction	9,983	10,360	0	0	9,982	10,344	0	0	−1	−16	0	0
Transportation	12,190	35,453	0	0	12,080	35,519	0	0	−110	66	0	0
Treasury-Postal Service	11,016	10,971	97	84	11,620	11,292	97	83	604	321	0	−1
VA–HUD–Independent Agencies	64,354	78,803	0	0	64,522	79,196	0	0	168	393	0	0
Reserve/Offsets	768	219	0	0	−2,750	−5,850	0	0	−3,518	−6,069	0	0
Grand total	492,842	535,849	4,683	3,073	495,810	532,605	4,684	3,076	2,968	−3,244	1	3

Note: Amounts in Current Level column for Reserve/Offsets are for Spectrum sales and BIF/SAIF. Those items are credited to the Appropriations Committee for FY 1997 only.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 10, 1997.

Hon. JOHN KASICH,
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the on-budget current levels of new budget authority, estimated outlays, and estimated revenues for fiscal year 1997. These estimates are compared to the appropriate levels for those items contained in the 1997 Concurrent Resolution on the Budget (H. Con. Res. 178) and are current through February 28, 1997. A summary of this tabulation follows:

[In millions of dollars]

	House current level	Budget resolution (H. Con. Res. 178)	Current level +/− resolution
Budget authority	1,331,836	1,314,935	+16,901
Outlays	1,323,900	1,311,321	+12,579
Revenues:			
1997	1,104,262	1,083,728	+20,534
1997–2001	5,975,917	5,913,303	+62,614

Since my last report, dated March 4, 1997, there has been no action to change the current level of budget authority, outlays, or revenues.

Sincerely,

JUNE E. O'NEILL,
Director.

PARLIAMENTARIAN STATUS REPORT-105TH CONGRESS, 1ST SESSION, HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1997, AS OF CLOSE OF BUSINESS APRIL 9, 1997

[In millions of dollars]

	Budget authority	Outlays	Revenues
PREVIOUSLY ENACTED			
Revenues			1,101,533
Permanents and other spending legislation	855,751	814,110	
Appropriation legislation	753,927	788,263	
Offsetting receipts	−271,843	−271,843	
Total previously enacted	1,337,835	1,330,530	1,101,533
ENACTED THIS SESSION			
Airport and Airway Trust Fund Tax Reinstatement Act of 1997 (H.R. 668)			2,730
APPROPRIATED ENTITLEMENT AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	−5,999	−6,630	
TOTALS			
Total Current Level	1,331,836	1,323,900	1,104,262
Total Budget Resolution	1,314,935	1,311,321	1,083,728

PARLIAMENTARIAN STATUS REPORT-105TH CONGRESS, 1ST SESSION, HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1997, AS OF CLOSE OF BUSINESS APRIL 9, 1997—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Amount remaining:			
Under Budget Resolution			
Over Budget Resolution	16,901	12,579	20,534
ADDENDUM			
Emergencies:			
Funding that has been designated as an emergency requirement by the President and the Congress	1,806	1,228	
Funding that has been designated as an emergency requirement only by the Congress and is not available for obligation until requested by the President	323	305	
Total emergencies	2,129	1,533	
Total current level including emergencies	1,333,965	1,325,433	1,104,262

RECOGNIZE CUSTOMS AND INS INSPECTORS AS LAW ENFORCEMENT OFFICERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. FILNER] is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, I rise today to honor the work of the officers and inspectors of the U.S. Immigration and Naturalization Service and the U.S. Customs Service and ask that they be accorded full Federal law enforcement status as outlined in H.R. 1215, which I recently introduced.

My bill will finally grant the same status to U.S. INS and Customs inspectors as all other Federal law enforcement officers and firefighters. It is in the public's interest to end the unfair, unsafe and expensive practice of excluding the inspectors from the law enforcement category. Because of the current lopsided law, INS and Customs lose vigorous, trained professionals to other law enforcement agencies. These agencies also lose millions of dollars in training costs and revenues that experienced inspectors help to generate.

Customs and Immigration inspectors are law enforcement officers. They carry firearms and are the country's first line of defense against terrorism and the smuggling of drugs at our borders. In my district, 200,000 people a day cross through the San Ysidro port of entry, making it the busiest port of entry and border crossing in the world. These inspectors face dangerous felons daily and disarm people carrying sawed-off shotguns, switch blade knives, and handguns. They have been run over by cars and have had shoot-outs with drug smugglers.

Just last week in Calexico, Customs inspectors Robert Labrada, Jr. and Nicholas Lira were shot by a man that they escorted to an inspection area reserved for those suspected of carrying illegal weapons or drugs. Before they had a chance to search him, the man pulled out a semiautomatic handgun and shot one inspector in the face and the other in the chest. The inspectors fired back to protect themselves. Both inspectors are now recovering from surgery, but they are lucky. Other Customs and INS inspectors have been killed in the line of duty, and their names are listed on the wall of the Law Enforcement Officers Memorial.

The shoot-out at Calexico last Friday is not an isolated incident. The callous, single-minded ruthlessness of drug smugglers put Customs and Immigration inspectors' lives at risk every single day.

One INS inspector at the San Ysidro port, Paul Cannon, has had to draw his service revolver four times in the last four years. In a recent case a criminal was trying to break through the inspection gates. Even at gunpoint, it took four inspectors to disarm and subdue him.

Yet the Federal Government does not classify these employees as law enforcement officers. United States Immigration and Customs inspectors daily put their lives on the line. It is time that we value those lives. I urge support of H.R. 1215 to correct the unequal treatment of these Federal law enforcement officers.

TRIBUTE TO 53RD ANNIVERSARY OF WORLD WAR II EXERCISE TIGER OPERATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. HULSHOF] is recognized for 5 minutes.

Mr. HULSHOF. Mr. Speaker, I rise today to honor a group of great and honorable Americans. On Monday, April 28, the Veterans of Foreign Wars Post 280 in Columbia, Missouri, will pay tribute to the 53d anniversary of the World War II Exercise Tiger operation, in which more than 750 Americans made the ultimate sacrifice.

Few Americans are aware of the circumstances surrounding the Exercise Tiger operation. What began as a top-secret military operation ended in a horrible moment frozen in time. In December 1943, the U.S. Army began conducting a number of training exercises in preparation for the Normandy invasion. These exercises concentrated on a long stretch of beach at Slapton Sands in Devon, England. This unspoiled beach of coarse gravel greatly resembled Omaha Beach, and it consequently made for an ideal simulation of what would be the D-day invasion.

Soldiers engaging in these maneuvers were under constant threat of attack, however, due to the many German E-boats patrolling the English Channel. One such exercise was utilized to prepare United States and British forces and was given the code name Exercise Tiger. These training exercises were conducted from April 22 to 30, 1944. The troops and equipment who participated in this maneuver embarked on the same ships and for the most part from the same ports from which they would later leave for France.

In the early morning hours of April 28, 1944, the convoy was maneuvering in Lyme Bay. Eight landing ship tanks and their lone British escort were en route to the landing area. Suddenly, in the pitch black night, nine German Navy E-boats patrolling the English Channel struck quickly and without warning. The presence of enemy boats was discovered only when the U.S.S. LST–507 was torpedoed. The ship burst into flames and survivors abandoned ship. Minutes later, the LST–531 was torpedoed and sank in 6 minutes. As the convoy returned fire, the U.S.S. LST–289 was also torpedoed, but was able to reach port.

The surprise German attack did not, however, stop Exercise Tiger. Landing operations resumed the next day, on April 29, 1944. This is a credit to the tenacity and determination of the soldiers and sailors involved in Exercise Tiger. The D-day invasion of Normandy occurred as planned. However, casualty information and the details surrounding Exercise Tiger were not released until after the Normandy invasion in an attempt to keep the Germans from learning about the impending attack.

□ 1630

I believe, Mr. Speaker, it is time we recognize these brave men. Of the 4,000 man force, nearly a quarter were missing or dead. Official Department of Defense records confirm 749 dead, at least 441 Army and 198 Navy casualties, although facts suggest the numbers could be greater.

Mr. Speaker, it is finally time that we acknowledge the indispensable role that members of Exercise Tiger played in preparing for the D-day invasion and in making it a success. To that end, I am proud to acknowledge VFW Post 280 as the first organization in the State of Missouri to commemorate the men of the historic battle of Exercise Tiger. After 53 years these great Americans deserve to be properly honored by those who have benefited so much from their sacrifices.

CONGRESSIONAL RESOLUTION RECOGNIZING THE HEROIC EFFORTS AND SACRIFICES OF THE AMERICAN SERVICEMEN WHO TOOK PART IN EXERCISE TIGER AND THEIR CONTRIBUTIONS TOWARD THE SUCCESS OF THE HISTORIC D-DAY INVASION DURING WORLD WAR II

Whereas the D-Day invasion of Normandy on June 6, 1944, was one of the most heroic battles of World War II and a critical turning point leading to Allied victory;

Whereas during the Exercise Tiger training mission for D-Day, members of the operation were exposed to great danger by carrying out this treacherous exercise in the English Channel during a period of increased German torpedo boat patrols;

Whereas on April 28, 1944, soldiers and sailors of the Exercise Tiger mission were unexpectedly attacked by 9 German Torpedo boats off the coast of Slapton Sands, England;

Whereas 749 American soldiers were killed in the attack;

Whereas the heroic efforts of these soldiers have not been sufficiently recognized in American history;

Whereas the United States Congress has not provided adequate recognition to sailors and soldiers who participated in Exercise Tiger; and

Whereas April 28, 1997 will be the 53rd anniversary of the tragedy of Exercise Tiger: Now, therefore, be it

Resolved, that the American Servicemen who took part in Exercise Tiger be recognized for their contributions towards the success of the historic D-Day invasion during World War II, preserving the virtues of freedom and democracy.

INDIA'S NEW PRIME MINISTER, INDER KUMAR GUJRAL

The SPEAKER pro tempore (Mr. NEY). Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise today to congratulate India's new Prime Minister, Inder Kumar Gujral, for winning the vote of confidence of the Indian Parliament this past Tuesday. This vote of confidence has put an end to the 24-day government crisis and provides yet another indication that India's democratic institutions remain very strong.

Mr. Speaker, Prime Minister Gujral is committed to strengthening United States-India ties. He has assured foreign investors that he will support free market reforms and initiatives. These reforms have opened India to United States businesses and industries. In a recent meeting with the Indian President Sharma, he assured the President that all the economic policies of the previous government will continue and be strengthened.

Prime Minister Gujral has already shown that given the opportunity he will bring peace to South Asia. His policies as Foreign Minister in the previous government have been coined as the Gujral Doctrine. He has already laid the groundwork to ease tensions in this traditionally volatile region. As Foreign Minister for Prime Minister Gowda, Mr. Gujral helped orchestrate the Bangladesh Water Agreement, a water treaty that ended years of dispute over water sharing rights between India and Bangladesh. He supervised an accord in which India and China agreed to reduce troops along the Himalayan border.

But most important, Mr. Speaker, Mr. Gujral has vowed to improve relations with Pakistan and made this the priority of India's foreign policy. Mr. Gujral helped initiate peace talks between India and Pakistan after a lull of 3 years. He is confident that the two neighbors can reach agreement in many areas through bilateral talks, and on May 12 of this year Prime Minister Gujral and Pakistani Prime Minister Sharif will meet in the Maldives to discuss peace.

Mr. Speaker, what is extraordinary about these accomplishments is that they were achieved within 10 months since the united front first took charge of the Indian Government. An even stronger sign of Prime Minister Gujral's ability to bring peace to the region can be seen in the troubled region of Jammu and Kashmir. This morning Kashmiri leaders stated that they believe that the new Prime Minister could help normalize relations between Pakistan and India and bring peace to Kashmir. A popular Kakshmiri separatist leader told Reuters News Service that if Mr. Gujral continues to be Prime Minister of India for a long period, I believe he can play a historic role in bringing India and Pakistan closer and solve the Kashmir problem.

Mr. Speaker, Prime Minister Gujral is India's third Prime Minister in the last 11 months. However, as we have seen, democracy remains strong and vibrant in India. As the Prime Minister said in a speech on Monday, we can change government but the system goes on, democracy continues, and it is strengthened.

As cochairman of the Congressional Caucus on India and Indian-Americans, I believe that Prime Minister Gujral can best lead India toward the 21st century, and I look forward to working with the Prime Minister in strengthening United States-India relations.

I want to also urge the Clinton administration, Members of this House and the Senate to support Prime Minister Gujral and assist him in bringing

peace to South Asia. Mr. Speaker, I would also like to add that this year marks the 50th anniversary of India's independence. Since her birth in 1947, India has hosted free and fair elections through a multiparty political system and has maintained an orderly transfer of power from government to its successor. In light of this achievement, I would urge President Clinton and more Members of this body to visit India this year and to support this momentous occasion.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

[Mr. GOSS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

INTRODUCING THE EXPANDED WAR CRIMES ACT OF 1997

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. JONES] is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, last week I introduced the Expanded War Crimes Act of 1997. It is a bill which expands the jurisdiction of my original bill, the War Crimes Act of 1996.

Last year I came before this House and told a story of a Navy pilot named Mike Cronin who had spent time as an uninvited guest of the Hanoi Hilton. I spoke of Mr. Cronin's time in Vietnam as an A–6 pilot and of his being shot down and taken prisoner of war and how he spent 6½ years living in a cage. Mike Cronin's story shocked many of you when I told you that upon his return to America he realized that while he and many others had witnessed horrible crimes of war being committed, no justice could be found within the U.S. court system because Congress had not yet enacted implementing legislation of the Geneva Convention. Well, a good number of you must have listened because I am pleased to say that last year Congress finally enacted implementing legislation of the Geneva Conventions of 1949. Held by the strong support of the State Department, the Defense Department, the American Red Cross, and many others, the War Crimes Act of 1996 finally signed into law legislation originally proposed back in the 83d Congress. The War Crimes Act of 1996 gave the United States the legal authority to try and prosecute the perpetrators of war crimes against American citizens. Additionally those Americans prosecuted now have available all the procedural protections of the American justice systems, quite a victory for America.

The 105th Congress cannot and should not stop there. We must protect all the rights of our men and women defending the interests of our country abroad. It is for that reason that I introduced the Expanded War Crimes Act of 1997. I stand before this body today to encourage my colleagues to support this expanded bill. The War Crimes Act of 1997 expands the definition of my original bill to cover not only the grave breaches of the Geneva Convention but also a more general category of war crimes. The bill also includes important articles of the Hague Convention which has long been recognized as an important source of international humanitarian law with respects to means and method of warfare, and finally it includes the international protocol on land mines thereby insuring that the delivery and indiscriminate use of antipersonnel mines to harm civilians would constitute a criminal offense. While the bill is not retroactive, it can ensure that any future victims of war crimes will be given the full protection of the U.S. courts.

My colleagues, it is a bill which would rectify the existing discrepancies between our Nation's intolerance of war crimes and our inability to prosecute war criminals. Please join me as a cosponsor of this important and critical legislation.

NINTH ANNUAL CONGRESSIONAL FIRE AND EMERGENCY SERVICES DINNER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to discuss a situation that is an ongoing problem in this country, and that is our ability to respond to disasters and life-threatening situations. At this very moment we are witnessing nationally the response to major flooding in the Dakotas. Over the past several years we have seen a number of incidents involving loss of life and property damage caused by hurricanes and tornadoes and earthquakes and fires of tremendous magnitudes. These incidents are becoming more complicated. Within the last several hours, there has been an incident uptown in Washington, DC, involving an unknown agent where first responders in this city had to respond in special suits because they were not sure whether or not it involved a chemical or biological incident.

Mr. Speaker, day in and day out, 1.2 million men and women in this country, our domestic defenders, respond to every disaster and emergency situation that this Congress or that this country and our communities face.

On Wednesday of next week, Mr. Speaker, we will in fact host the Ninth Annual Congressional Fire and Emergency Services dinner where 2,000 of the leaders of our domestic defenders across the country from every State will assemble in Washington to again celebrate the work that these brave individuals provide. They are involved in 32,000 organized departments, they are paid and they are volunteers, and they are out there day in and day out as the first responders to America's problems.

Mr. Speaker, I urge our colleagues to join with us in paying tribute to them. Speaker GINGRICH will be our keynote speaker this year. Last year we had AL GORE and we had Bob Dole. The previous 2 years we had President Clinton. Speaker GINGRICH will in fact address these individuals and reinforce the commitment of this Congress to work on their priorities.

During Wednesday afternoon, Mr. Speaker, starting at 12:45 the Marine Corps Chemical and Biological Incident Response Team, which was created by Congress over the past year, will respond to a simulated incident involving a chemical or biological agent in the Rayburn Park. Two hundred forty marines will arrive from Camp LeJeune, and they will demonstrate our country's ability to respond to a life-threatening situation involving an unknown agent.

But, Mr. Speaker, even though our marines are the finest in the world and this team is the finest in the world today, the first responders who have to go on these scenes in the first few minutes are those most at risk, and they are the ones that we have to make sure have the proper protection, the proper training, and the resources to meet these threats until reinforcements can in fact be provided by our military and by the marine response unit.

On Wednesday during the day and the evening, we will focus on this group of people and we will discuss the key priorities that we in this Congress can focus on to assist these 1.2 million men and women to better serve their communities.

Mr. Speaker, I urge all of our colleagues to join with us both during the day at the information sessions, meetings that will be held in Member offices, and finally on Wednesday evening to the Washington Hilton to attend the ninth annual dinner.

Mr. Speaker, there are no braver group of people in this country who respond to every type of disaster that we face as a nation, and many of them are not being paid to respond, and it is appropriate that we in the Congress provide the appropriate resources and support to allow them to continue to serve America.

INTRODUCTION OF THE VOTER ELIGIBILITY VERIFICATION ACT—H.R. 1428

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. HORN] is recognized for 5 minutes.

Mr. HORN. Mr. Speaker, today I and 16 other colleagues are introducing the Voter Eligibility Verification Act, H.R. 1428. I think most American citizens would say that the very hallmark of citizenship is the right to cast one's vote and to have it counted. But in America we have increasingly situations where people who are not American citizens are voting, and local registrars and State chief election officers

are at their wit's end as to how we can find out who are American citizens and who are not.

The Voter Eligibility Verification Act of 1997 intends to solve that problem. I am very conscious of what one vote means. When I go to high school civic classes and talk to seniors, I stress my own primary back in 1992. I won by one-fifth of a vote per precinct.

So each vote is precious. One's individual vote does count, and in introducing this bill we are trying to ensure the integrity of national, State, and local elections. By preventing noncitizens from registering to vote, we are fulfilling the spirit of the Constitution. The 16 colleagues who join me have also had experience with close elections in Arizona, California, and Ohio among other States. In many jurisdictions, it is simply too easy to vote fraudulently.

Last October, California Secretary of State Bill Jones dropped 727 people from the voter rolls after they completed voter registration forms that simply indicated they were not citizens. Secretary Jones has endorsed the bill, and I would like to place his endorsement letter in the RECORD.

SECRETARY OF STATE,
State of California, April 3, 1997.

Hon. STEVE HORN,
Cannon House Office Building,
Washington, DC.

DEAR CONGRESSMAN HORN: I am writing to express my strong support of your proposed legislation to permit elections officials to have access to INS information.

As you know, I have set as my goal as Secretary of State 100% voter participation and zero tolerance for fraud. In the last two and a half years my office has moved aggressively towards both of these goals.

In regards to voter participation, I have established an aggressive and comprehensive outreach program via television, radio, signs on buses, printed messages on bank ATM receipts, grocery bags, La Opinion newspaper, and billboards, and a variety of other programs within the public and private sector.

My election reforms include a statewide voter file (CalVoter) to clean duplicate and deadwood voter records off our lists; a place on the voter registration form to provide a driver's license number as a unique identifier; the first ever cross-county check for double voters; a crackdown on bounty hunters, to name just a few. I am working hard to send a message of deterrence to any who would abuse our elections system in any way.

However, there are still some reforms uncompleted that are critical to the future integrity of California's election system. Number one is the issue of citizenship. The federal NVRA [National Voter Registration Act—''Motor Voter''] and California election law clearly state that only those persons who are United States citizens are eligible to register and vote in elections. Unfortunately, we have very limited tools to be able to verify or check if a voter is a citizen.

Your bill, which would provide for access to records residing with the Immigration and Naturalization Service would materially benefit election officials in our efforts to maintain the integrity of the voter file. Please feel free to contact my office for assistance in securing passage of this most important measure.

Sincerely,

BILL JONES,
Secretary of State.

Mr. HORN. Mr. Speaker, in another startling case in 1994, it was discovered that Mexican presidential candidate Luis Donald Colosio was assassinated by one of his countrymen who had registered to vote in Los Angeles County twice despite the fact that he was not a citizen of the United States.

Elections are the very lifeblood of democracy. Fraud in elections poisons our electoral system and undermines the trust that is essential to democracy.Under the bill we are introducing today, State and local election officials would be able to make inquiries to the Social Security Administration which has a record of citizenship when they assign a Social Security number, and the Immigration and Naturalization Service which also can help verify people who have submitted to naturalization and citizenship.

□ 1645

I want to emphasize that this legislation includes extensive restrictions on the use of the system to prevent discrimination and violations of privacy rights. This legislation strikes a vitally needed balance between protecting the sanctity of our elections and the rights of every individual.

Last year, we saw many elections where the possibility of noncitizens voting was before us. Last year in the 104th Congress, we passed a historic Illegal Immigration Reform and Immigrant Responsibility Act. It made it explicitly illegal for noncitizens to vote. But without having a way to verify registrants' ability to vote, State and local election officials simply could not enforce that law effectively.

Voting, as I suggested, is the most fundamental act of citizenship. The people who administer our elections ought to have access to the information they need to ensure the integrity of the ballot box. American citizens deserve no less.

Mr. Speaker, I attach for inclusion the following exhibits:

Exhibit I: A Summary of The Voter Eligibility Verification Act.

Exhibit II: The sponsors of H.R. 1428.

Exhibit III: The text of H.R. 1428.

EXHIBIT I

SUMMARY: THE VOTER ELIGIBILITY VERIFICATION ACT

Under the bill, local election officials would be able to make inquiries with the Social Security Administration and the Immigration and Naturalization Service to verify the citizenship of people who have submitted a voter registration application at the local level. Both agencies are involved because neither has a comprehensive record of all current citizens. The agencies only will respond if the inquiry is necessary for determining eligibility to vote.

The bill also makes it clear that state and local governments also may require the Social Security number as part of the voter registration process. According to the Congressional Research Service, 13 states require the Social Security number on their voter registration forms. It is optional on the forms of 14 states.

The bill requires the verification process to be designed to be as reliable and easy to use as possible, so long as privacy and information security are protected. Election officials would be able to make inquiries through a toll-free telephone call or other toll-free electronic media.

The bill also requires Social Security and INS to update their information to make it as accurate possible, and to set up a process for prompt correction of erroneous information.

There is no mandate on state or local governments to use the proposed verification process. It is simply a tool available to them should they choose to use it.

The bill also includes extensive restrictions on the use of the verification process to prevent discrimination and violation of privacy. The verification process in the bill is to be designed and operated with administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information, and safeguards against discrimination, including the selective or unauthorized use of the verification process. The bill requires the verification process to be ''uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965.''

It explicitly does not authorize a ''national ID card'' or the creation of a new database.

Finally, people whose citizenship status cannot be confirmed by the process proposed in the bill would have the opportunity to provide proof of their citizenship to local registrars of voters. Under the bill, if an individual's citizenship cannot be confirmed, the election official has to notify the individual in writing and inform them of their right to establish their eligibility to vote (provide proof of citizenship). The individual's voter application can then be rejected, the individual's name can be removed from the voting rolls, or the individual can be given provisional voting status.

California Secretary of State Bill Jones has endorsed the bill. The bill's original cosponsors are Representatives David Dreier (R-CA), Mark Foley (R-FL), Brian Bilbray (R-CA), Ken Calvert (R-CA), Randy ''Duke'' Cunningham (R-CA), Phil English (R-PA), Elton Gallegly (R-CA), Duncan Hunter (R-CA), Jerry Lewis (R-CA), Howard ''Buck'' McKeon (R-CA), Ron Packard (R-CA), Frank Riggs (R-CA), Ed Royce (R-CA), Cliff Stearns (R-FL), Bob Stump (R-AZ), and James Traficant (D-OH).

EXHIBIT II

THE SPONSORS OF H.R. 1428

Mr. Horn and:
1. Mr. Dreier.
2. Mr. Foley.
3. Mr. Bilbray.
4. Mr. Calvert.
5. Mr. Cunningham.
6. Mr. English (PA).
7. Mr. Gallegly.
8. Mr. Hunter.
9. Mr. Lewis (CA).
10. Mr. McKeon.
11. Mr. Packard.
12. Mr. Riggs.
13. Mr. Royce.
14. Mr. Stearns.
15. Mr. Stump.
16. Mr. Traficant.

EXHIBIT III

THE TEXT OF H.R. 1428

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Voter Eligibility Verification Act''.

SEC. 2. VOTER ELIGIBILITY CONFIRMATION SYSTEM.

(2) IN GENERAL.—Title IV of the Immigration and Nationality Act (8 U.S.C. 1101, note)

is amended by inserting after the chapter heading for chapter 1 the following:

''VOTER ELIGIBILITY CONFIRMATION SYSTEM

''SEC. 401. (a) IN GENERAL.—The Attorney General, in consultation with the Commissioner of Social Security, shall establish a confirmation system through which they—

''(1) respond to inquiries made to verify the citizenship of an individual who has submitted a voter registration application, by Federal, State, and local officials (including voting registrars) with responsibility for determining an individual's qualification to vote in a Federal, State, or local election; and

''(2) maintain a record of the inquiries that were made and of verifications provided (or not provided).

''(b) INITIAL RESPONSE.—The confirmation system shall provide for a confirmation or a tentative nonconfirmation of an individual's citizenship by the Commissioner of Social Security as soon as practicable after an initial inquiry to the Commissioner.

''(c) SECONDARY VERIFICATION PROCESS IN CASE OF TENTATIVE NONCONFIRMATION.—In cases of tentative nonconfirmation, the Attorney General shall specify, in consultation with the Commissioner of Social Security and the Commissioner of the Immigration and Naturalization Service, an available secondary verification process to confirm the validity of information provided and to provide a final confirmation or nonconfirmation as soon as practicable after the date of the tentative nonconfirmation.

''(d) DESIGN AND OPERATION OF SYSTEM.—The confirmation system shall be designed and operated—

''(1) to be used on a voluntary basis, as a supplementary information source, by Federal, State, and local election officials for the purpose of assessing the eligibility of voter registration applicants, and administering voter registration, through citizenship verification;

''(2) to respond to an inquiry concerning citizenship only in a case where determining whether an individual is a citizen is—

''(A) necessary for determining whether the individual is eligible to vote in an election for Federal, State, or local office; and

''(B) part of a program or activity to protect the integrity of the electoral process that is uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.);

''(3) to maximize its reliability and ease of use, consistent with insulating and protecting the privacy and security of the underlying information;

''(4) to permit inquiries to be made to the system through a toll-free telephone line or other toll-free electronic media;

''(5) to respond to all inquiries made by authorized persons and to register all times when they system is not responding to inquiries because of a malfunction;

''(6) with appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information; and

''(7) to have reasonable safeguards against the system's resulting in unlawful discriminatory practices based on national origin or citizenship status, including the selective or unauthorized use of the system.

''(e) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—

''(1) IN GENERAL.—As part of the confirmation system, the Commissioner of Social Security shall establish a reliable, secure method, which compares the name and social security account number provided in an inquiry against such information maintained by the Commissioner in order to confirm (or not confirm) the validity of the information provided regarding an individual whose identity and citizenship must be confirmed, the correspondence of the name and number, and whether the individual is a citizen of the United States. The Commissioner shall not disclose or release social security information (other than such confirmation or nonconfirmation).

''(2) PROVISION OF ALIEN IDENTIFICATION NUMBER.—In cases of tentative nonconfirmation of an individual's citizenship by the Commissioner of Social Security after an initial inquiry to the Commissioner, the Commissioner, as part of the confirmation system, shall provide to the person making the inquiry any information the Commissioner maintains regarding an alien identification or authorization number for the individual established by the Immigration and Naturalization Service. The Attorney General, in consultation with the Commissioner, shall specify the information to be provided under this paragraph.

''(f) RESPONSIBILITIES OF THE COMMISSIONER OF THE IMMIGRATION AND NATURALIZATION SERVICE.—As part of the confirmation system, the Commissioner of the Immigration and Naturalization Service shall establish a reliable, secure method, which compares the name and alien identification or authorization number described in subsection (e)(2) which are provided in an inquiry against such information maintained by the Commissioner in order to confirm (or not confirm) the validity of the information provided, the correspondence of the name and number, and whether the individual is a citizen of the United States.

''(g) UPDATING INFORMATION.—The commissioners of Social Security and the Immigration and Naturalization Service shall update their information in a manner that promotes the maximum accuracy and shall provide a process for the prompt correction of erroneous information, including instances in which it is brought to their attention in the secondary verification process described in subsection (c).

''(h) LIMITATION ON USE OF THE CONFIRMATION SYSTEM AND ANY RELATED SYSTEMS.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, nothing in this section shall be construed to permit or allow any department, bureau, or other agency of the United States Government to utilize any information, data base, or other records assembled under this section for any other purpose other than as provided for under this section.

''(2) NO NATIONAL IDENTIFICATION CARD.—Nothing in this section shall be construed to authorize, directly or indirectly, the issuance or use of national identification cards or the establishment of a national identification card.

''(3) NO NEW DATA BASES.—Nothing in this section shall be construed to authorize, directly or indirectly, the Attorney General and the Commissioner of Social Security to create any joint computer data base that is not in existence on the date of the enactment of the Voter Eligibility Verification Act.

''(i) ACTIONS BY VOTING OFFICIALS UNABLE TO CONFIRM CITIZENSHIP.—

''(1) IN GENERAL.—In a case where an official who is authorized to receive information through use of the confirmation system is unable, after completion of the secondary verification process, to confirm the citizenship of an individual, the official—

''(A) shall so notify the individual in writing; and

''(B) shall inform the individual in writing of the individual's right to use—

''(i) the process provided under subsection (g) for the prompt correction of erroneous information in the confirmation system; or

''(ii) any other process for establishing eligibility to vote provided under State or Federal law.

''(2) REGISTRATION APPLICANTS.—In the case of an individual who is an applicant for voter registration, and who receives a notice from an official under paragraph (1), the official may, subject to, and in a manner consistent with, State law, reject the application, or provisionally accept the application, pending the official's receipt of adequate confirmation of the citizenship of the individual.

''(3) VOTER REMOVAL PROGRAMS.—In the case of an individual who is registered to vote, and who receives a notice from an official under paragraph (1) in connection with a program to remove the names of ineligible voters from an official list of eligible voters, the official may, subject to, and in a manner consistent with, State law, remove the name of the individual from the list, or grant the individual provisional voting status, pending the official's receipt of adequate confirmation of the citizenship of the individual.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act is amended by inserting before the item relating to section 402 the following:

''Sec. 401. Voter eligibility confirmation system.''.

SEC. 3. PERMITTING STATES TO REQUIRE APPLICANTS REGISTERING TO VOTE TO PROVIDE SOCIAL SECURITY NUMBER.

Clauses (i) and (vi) of section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) are amended by inserting ''voter registration,'' after ''driver's license,''.

KEEPING SOCIAL SECURITY SOLVENT

The SPEAKER pro tempore (Mr. NEY). Under a previous order of the House, the gentleman from Michigan [Mr. SMITH] is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, today the trustees of Medicare issued their report and also the trustees of Social Security issued their report. I think this is another indication that this country, has got to do something, if we are going to keep Social Security solvent, if we are going to keep Social Security available to not only existing retirees, but future retirees.

In the report, the trustees estimated that the time that the Social Security Trust Fund was going to run out of money, the time that there was going to be less money coming in in taxes than was required for benefit payout would be 2012. And they also calculated a slight increase in their estimate of the tax increases necessary to keep Social Security solvent.

One year ago, they estimated that it would take a tax increase of 2.19 percent of payroll. This year they are estimating that it is going to take a tax increase of 2.23 percent of payroll, slightly a worse condition.

However, there is a couple of assumptions that the Social Security trustees used to come up with this estimate. One is they calculated that CPI would be one-half of 1 percent less than their estimates of a year ago.

The second assumption was that real interest rates would increase and therefore, the interest paid from the general fund to the Social Security Trust Fund on the Government securities in the fund would actually increase.

What we have to face up to, Mr. Speaker, is the fact that when there is less money coming in than is required for payout, somehow Congress and the U.S. Government is going to have to come up with the money to pay back the money borrowed from the trust fund. How do they do it? How would they come up with these billions of dollars.

They have several options. One is to cut spending in other programs. One is to increase taxes on existing workers and say, in effect, look, what we borrowed from you we are going to pay back by increasing your taxes and make you pay this additional sum in.

Let me just give my colleagues a couple examples of how much the general fund is going to have to come up with to continue to pay the benefits that are now promised under Social Security.

In the year 2020, for example, the general fund is going to have to pay to Social Security $219 billion in order to come up with the money necessary for promised benefits.

Mr. Speaker, Members of Congress, the President, politicians are going to have to take their heads out of the sand. They are going to have to face up to the problem that this Ponzi game of Social Security cannot maintain itself, and we need to take immediate action. The suggestion of the gentleman from Wisconsin [Mr. NEUMANN] that has the support of a lot of us that say at the very least, let us stop Government from reaching into the Social Security Trust Fund and then using that money for other program payments.

The long-range solution will be, I hope, similar to the bill that I have introduced that is now scored by the Social Security Administration to keep Social Security solvent for the next 75 years. The bottom line is we have to pay attention to it. The longer we put it off, the more drastic the solutions will have to be.

DISCRIMINATION WITHIN USDA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, known as the people's department, the USDA was established when President Lincoln signed the law on May 15, 1862. It is ironic that the very department created by the President, who signed the Emancipation Proclamation, today faces widespread and documented charges of unfair and unequal treatment of socially disadvantaged and minority farmers.

The farmers and ranchers of America, including minority and limited resource producers, through their labor, sustain each and every one of us and maintain a lifeblood of our Nation and the world. These people do not discriminate. Their products are for all of us. Therefore, it is important that we do all within our power to ensure that each and every producer is able to farm without the additional burden of institutional racism rearing its ugly head.

Mr. Speaker, it greatly concerns me that in my home State of North Carolina, there has been a 64-percent decline in minority farmers just over the last 15 years from 6,996 farms in 1978 to 2,498 farms in 1992. There are several reasons why the number of minority and limited resource farmers are declining so rapidly, but the one that has been documented time and time again is the discriminatory environment present in the USDA, the very agency established to accommodate and to assist the special needs of all farmers and all ranchers.

In November of last year, the Farm Service Agency Administrator, Grant Tuntrock, stated in a public speech that, ''We recognize there have been instances of discrimination in responding to the requests for our services in the past, and we deplore it,'' he said. As I have stated before, the time has come, however, not just to deplore these occurrences, but to put a stop to them.

We must resolve that the many pending individual cases where discrimination has been found, the planting season is upon us, and if these farmers are to be given the opportunity to farm this year, financial resolution of the unjust treatment they have received must come and must come very, very soon.

With our understanding of this issue, it is my hope that we will continue with a steady movement toward legislation that the emancipation, in the first instance, was to give people equal opportunity, that we in this House will have the courage to stop this and have legislation that will prevent it from happening in the future.

POSSIBLE CHANGES FOR SOCIAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina [Mr. SANFORD] is recognized for 5 minutes.

Mr. SANFORD. Mr. Speaker, my colleague from Michigan [Mr. SMITH] just talked about some of the problems facing Social Security if we do nothing to address what the trustees; again, not what Republicans or Democrats have said, but what the trustees have said if we do nothing.

I would like to talk for just a moment about not just the problems inherent in Social Security, because it has done a lot of great things for my mother, for my grandparents, but we need to address some of the benefits that might come if we looked at changing Social Security.

I think, first, we might want to define what we mean by changing Social Security. I do not believe, and I do not think anybody believes, that changing Social Security ought to mean taking Social Security away from existing retirees or those about to retire. However, what I do believe in terms of changing Social Security is that we ought to begin at least talking about the possibility of, while leaving seniors whole, looking at and exploring options for young people.

Mr. Speaker, what I have consistently heard from young people in my district is that they do not think they are going to get all of the Social Security that is due them. One of the interesting things to look at is I guess a number of the benefits that might come with change.

One of the benefits would be just saving the system, because what the trustees have said is that if we do nothing, it goes bankrupt in about 30 years. But more important than just saving the system, the whole purpose of Social Security ought to be a noble retirement. If one earns more with their Social Security investment, they can retire with more.

What the Social Security trustees have said today is that on average, people today earn about 1.9 percent on their quote ''Social Security investment,'' and most of the folks I talk to in my home district say that they could earn more than 1.9 percent on their retirement investment.

What this means is, if you take somebody earning $24,000 a year and if one group earns 1.9 percent on their investment and another group earns 5 percent on their investment, it does not take a rocket scientist to know that second group is going to earn more and end up with more in their retirement, and I think that to be a very big benefit of this possibility of changing Social Security.

Another benefit that I think is worth mentioning is the whole notion of retirement age. A pay-as-you-go system, I think, comes at a tremendous cost in terms of human happiness, because with a pay-as-you-go system, we all have to retire at the same age. Yet I can walk down the grocery store aisle and look at 25 different kinds of detergent, I can look at 30 different kinds of toothpaste, I can look at a long magazine stack of different kinds of magazines, but I cannot choose for me when I want to retire, and I think that that, again, comes at a tremendous cost in terms of human happiness, because we are all different.

In my home State of South Carolina, we have STROM THURMOND, who would like to work until he is 100 or 150, I am not sure, but he wants to work basically until he dies. And I say God bless him; go for it. But I have many other friends who say that work is fine, but fishing is even better. I want to retire when I am 50. With the idea of personal savings accounts, you could choose for yourself when you want to retire rather than a Congressman or a Senator or a bureaucrat in Washington choosing for you when you want to retire.

Another benefit I think worth mentioning, and again, there are many, but one other worth mentioning would be we could do something about the national savings rate. Right now in our country we have a savings rate that

bumps along somewhere between 3 and 5 percent.

Well, in China, they have a savings rate of about 40 percent. In Singapore, they have a savings rate in the mid 30's. In South Korea, they have a savings rate in the high 30's. In Chile, where they instituted this system, they have a savings rate in the high 20's, and here we are bumping along at 3 to 5 percent.

We cannot advance a modern industrial society on a 3-percent national savings rate, because the thing that politicians leave off while they will talk about the fact that we need to do something about standard of living in America, they will not talk about what it is that affects standard of living in America, and that is that savings drives investment, which drives productivity gain, which drives standard of living.

In short, if you were to have a woodcutting contest in the backyard, and you gave one fellow a little hand ax that cost you 3 bucks, and you gave another person a chain saw that cost $300, the person with the $300 chain saw, however much weaker or however slight, would be able to end up with a bigger stack of wood and consequently more in the way of income.

I know that I am eroding away at my 5 minutes here, so I will call it quits. But the point is to say that there are many benefits that might come with this proposed talk of changing Social Security so that we save it for the next generation and so that my three boys get Social Security as well.

□ 1700

PROBLEMS FACING AMERICA THAT MUST BE ADDRESSED NOW

The SPEAKER pro tempore (Mr. MICA). Under the Speaker's announced policy of January 7, 1997, the gentleman from Wisconsin [Mr. NEUMANN] is recognized for 60 minutes as the designee of the majority leader.

Mr. NEUMANN. Mr. Speaker, I rise tonight to talk about an issue that I think is very important. It is really the issue I came here for in the first place.

Up until 1989 I had never been involved in any politics in any way, shape, or form. In 1980 my wife and I started a business in the basement of our house. The business grew. It was real estate. In 1986 we started a homebuilding company, and we understand fully if we had lost money in the second year and the third year, that the banks would have taken that business away from us. It is that kind of background that I bring here.

But instead of losing money in the second year the homebuilding company turned around. After building 9 homes our first year, providing 18 jobs in southeastern Wisconsin, we wound up building about 120 homes 4 years later, making a legitimate profit in our business and providing 250 job opportunities in southeastern Wisconsin.

I bring that background here because when I think back to those years, the late 1980's and even 1990, and I think about that business and how it grew and prospered and provided job opportunities, I sometimes forget why it was that I left that business that was going so well to come to Washington, and then I look at this picture. It reminds me of the future that we have for our children if something is not done about the growing debt facing the United States of America today.

I always look at this chart as one of the best charts that I have ever seen that shows actually what is going on in our country. This shows the growing debt facing America. From 1960 to 1980 one can see that the debt did not grow hardly at all, but from 1980 forward we are on a very, very steep climb that is going to destroy the future of this Nation for our children.

I like to point out that at this point in time we are about here on this chart, and the debt continues to grow and grow and grow. I rise tonight to remind my colleagues of that, because there are a lot of bills going on right now in this community that relate very directly to this picture that I have here with me.

In fact, the debt today is $5.3 trillion facing the United States of America. The legacy that our generation is going to pass on to the next generation of Americans; that we, the people that are working today are going to pass on to our children and our grandchildren, that legacy is of a $5.3 trillion debt.

Let me put that into perspective so we keep in mind what that really means. That debt translates into $20,000 for every man, woman and child in the United States of America today. For a family of five, like mine, the United States Government has borrowed $100,000 basically in the last 15 years.

Let me translate that into what that really means. That means that an average family of five, like mine, is paying $600 a month into this Government to do nothing but pay the interest on the debt. An average family of five, like mine, pays $600 a month to do nothing but pay the interest on the Federal debt.

A lot of people say, do not worry about me, I do not pay that much in taxes. The reality is when you walk into the store and you buy something as simple as a loaf of bread, the store owner makes a profit when you pay him for that loaf of bread or her for that loaf of bread, and part of that profit comes into the U.S. Government in the form of taxes.

One way or another, every family of five in the United States of America, every group of five people in the United States of America today, is paying $600 a month toward the interest only. That does not count Social Security or Medicare or defense, or any of the other important programs our Government runs. That $600 a month does nothing but pay the interest on the Federal debt.

Why is that significant? Right now there are a lot of things happening out here in Washington, DC. Two years ago a group of people came here, 73 freshman Republicans came here with the idea that we were going to solve this disastrous problem and what it means for the future of our country. We have committed ourselves to shrinking the size and scope of Washington, and shrinking the involvement of this Government in the lives of real American, of everyday people, the people that get up every morning and go to work.

Our goal was to get this Government smaller, so those people could in fact look forward to the opportunities that exist if this debt was not there, keeping that extra $600 a month in their own pockets. That is what our goal was 2 years ago.

Now today it is 2 years later, and a lot of the freshmen that came here 2 years ago and a lot of the others in this Congress have kind of forgotten, it seems, sometimes what we came here for. In fact, the heart and soul of one of the things we came here for, making Washington smaller, the funding of Washington committee staff, is a bill that is being considered as we speak this evening right here and now.

The Washington committee staff proposal this year was to increase spending for Washington committee staff by 14½ percent. To me, that is contrary to everything that we came here for and everything we came here to be about. The concept of increasing Washington committee staff spending by 14½ percent is against everything that I believe in and everything we came here for. That is making Washington bigger and more intrusive into our lives, as opposed to what I believe Republicans stand for, and that is making Washington smaller.

When I look at this debt picture, it reminds me of how important it is that we win these battles to keep Washington shrinking, as opposed to turning around and letting it start growing again.

There is another looming battle. This battle is even tougher. It is the supplemental appropriation bill. For those in America that do not know exactly what that means, Mr. Speaker, that means it is a spending bill of American tax dollars. Washington people are going to spend your money.

I have to say that this supplemental, we are spending it on some legitimate things. There are flood victims all across America, and those flood victims need help. When I talk to the folks back home in Wisconsin, the vast majority of those people are willing to help others less fortunate than themselves, like the folks in North Dakota that we have been seeing on TV, where a city of 50,000 is literally under water.

The city of Janesville, WI, where I come from, is about the same size as that city, so it is very easy for us to imagine what this means, and this is a legitimate need. This is a legitimate program for the government to step into and help these people.

But this is the dilemma. The dilemma is here. As we realize that we have a responsibility to help these people in North Dakota or Ohio, or where the flood victims are around America, we also realize our responsibility to the future of this country, our responsibility to our children to prevent this chart from continuing its growth of debt.

This is a very tough dilemma. We have a legitimate reason to spend money, to help people who are truly in need in this Nation. On the other hand, we have this responsibility to the future of America to stop the growth in debt that is so clear in this picture, a responsibility to our children to make sure that this does not continue, so they have the opportunity to live the American dream that we have had.

What do we do about that? In Washington what is going on is they are proposing that we simply go and spend more money, that we spend $4.8 billion, add $4.8 billion to this debt legacy we are going to pass on to our children.

There is another alternative. We do not have to just go and spend the money. What we could do is go and spend the money to help those flood victims and find other parts of the budget that are less important, other areas we are spending money on and not spend that money.

Let me give an example of how this might work. Currently, today, the U.S. Government hires people to push elevator buttons for Members of Congress, so as they leave their office and come over to this floor to vote, they do not have to push the buttons in the elevators themselves. I find this a ridiculous expenditure of the taxpayers' money.

So rather than just going and spending this money on flood victims without finding other areas less important in the Federal budget, why do we not go and spend the money to help the flood victims who legitimately need it, and go to other parts of the budget and find ways to reduce spending to offset that legitimate expenditure to help flood victims?

The flood victims, I maybe understand this a little better than some other issues. My son happens to be going to school in New Ulm, MN. I know one night he called me up and said that that day he had been out filling sand bags to help protect that city in Minnesota from the floods that were coming.

This is a legitimate reason, and people in Wisconsin are willing to help other people around the country. I am willing to help people around the country. What we need to do, though, is go and find areas where we do not have to be spending the taxpayers' money, eliminate those expenditures, and redirect the money over here to the flood victims.

Make no mistake, that is not the current proposal. The current proposal is to simply go and spend more money, just let the debt keep growing, add it to the legacy that this generation is passing on to the next generation, and I say that is wrong and that is inexcusable. I say we have a responsibility to future generations of Americans, that if we are going to spend the money, we have to find other parts of the budget that we can reduce spending in.

The second reason I rise to speak tonight is with that growing debt picture looming, several other Members of Congress just ahead of me this evening talked about the Social Security issue. The second reason I am rising tonight is to speak to the Social Security issue, and exactly what is going on. The new report coming out today repeats how important it is that we solve the Social Security problems today, not in the future.

Social Security today is collecting about $418 billion out of the paychecks of Americans. Anybody who has a job today pays into the Social Security system. When they are all done collecting that money out of the paychecks, they are collecting $418 billion. They are writing checks out to our senior citizens of about $353 billion. That sounds pretty good. If you think of this as your own checkbook, if you are taking $418 into your checkbook and you are only spending $353, that is a pretty good setup. In fact, there are 65 bucks left in your checkbook when you are done. That is good news for senior citizens, that is good news for America.

The idea is this, that extra money that is left in the checkbook, the difference between the $418 they are collecting and the $353 they are paying out, that extra money is supposed to be set aside into a kitty, because not far down the road the baby boom generation gets to retirement, and they will not be taking enough money in to make the payments back to our seniors.

The idea is this: At that point in time the money is supposed to be sitting there in a savings account, so when there is not enough money coming in to make good on the payments, when there is not enough coming in to make the payments out to our seniors, they then go to that savings account that is supposed to be built with this surplus that exists today, the $65 billion.

I have good news for the seniors. If this were being run the way it is set up, the Social Security system is solvent and works all the way to 2029. That is the good news. The bad news is in Washington, DC, when they see this $65 billion, they do the Washington thing. I think anybody watching tonight, all of my colleagues, know what the Washington thing is to do. They see that $65 billion sitting there in the Social Security trust fund, and instead of putting that $65 billion into the trust fund, they put it into the general fund. They then spend all the money out of the general fund, leading us to the deficit.

There is another way to think of this. They take the 65 bucks, put it in their big checkbook, they then overdraw the checkbook, that is called the deficit, so they take this $65 billion, put it in the general fund, overdraw the general fund, and there is no money left to put actual dollars into this savings account that is supposed to be there to preserve and protect Social Security. As a result, at the end of the year they simply write an IOU, technically called a nonnegotiable Treasury bond, and they put that down here in the trust fund.

What does this really mean? This really means if you go and look at the Social Security trust fund today, that there is nothing in it except IOU's; that entire savings account that is supposed to be there to protect our senior citizens, there is absolutely nothing in this except a pile of IOU's.

I am happy to report this evening, and I am going to ask our colleagues to join it, and ask the people around the country to call on our colleagues and ask them to support this bill, the bill very simply is the Social Security Preservation Act. It is not an Einstein kind of bill. It is very simple and very straightforward.

It simply says that that $65 billion that is being collected to preserve and protect Social Security is to be put directly into the Social Security trust fund, instead of being directed into the big Government checkbook to be spent on other Government programs.

The bill is H.R. 857, and I strongly encourage our colleagues to join the 60 of us that have already cosponsored that bill; call, ask them to join us as a cosponsor of that bill, so as American people we can solve the Social Security problem and make it solvent.

Again, what that bill does is very simple. It is very simple and straightforward. It simply takes the money that is being collected over and above what is being sent out to our seniors in benefits and puts it directly into the Social Security trust fund. If that would happen, if that would happen, there would currently be $550 billion in the Social Security trust fund. That number would build all the way to $1.2 trillion by the year 2002.

Social Security would then be safe and secure for our senior citizens, but it goes beyond the senior citizens. People that are in their forties and fifties need to understand that if this bill is not passed, we are going to reach a crisis point sometime between the year 2005 and the year 2012. That crisis point occurs when there is not enough money coming in to make good on the payments, and there is no money over here in the trust fund to get the money to make good on the payments to seniors.

So from 2005 to 2012, what are we going to do as a Nation? We have a couple of choices. One choice is to go to senior citizens and say, we cannot make good on the promises that have been made to you regarding Social Security. I think that is a lousy choice. It should be ruled out.

A second choice, and now I am going to bring another generation in here, it is not only the folks that are seniors

and the people in their forties and fifties, I am now going to talk about the young people and what this means to them, because the second choice when we reach that crisis point, 2005 to 2012, the second choice is to go to our young families and say, we have to take more money out of your paycheck because we were not able to set the money aside when we were supposed to back in the 1990's. So the next choice affects our young people and affects them directly.

My oldest son is a sophomore in college. My daughter is a senior in high school. My youngest is in eighth grade. When I think about our kids and the time when they are going to be married and starting their own families, and all the other kids just like them across America, when I think of these kids, it is about the same time that this Social Security crisis hits.

I, for one, do not think it is responsible for us as a Nation to go blindly forward spending the Social Security money, knowing that in the near future our young families are going to be saddled with even more of a burden as we try to deal with this Social Security crisis that was supposed to be dealt with in the 1990's.

I think it is inexcusable that we do not pass the Social Security Preservation Act. Again, the Social Security Preservation Act is very important across all generations. Would it not be nice if there were really $1.2 trillion in the Social Security trust fund, and we had enough money there that we could go out and see our seniors and say, look, your Social Security really is safe? Here is the passbook savings account, here is the savings account to make sure you are going to get your Social Security check? Then we could begin the discussion of going to our young people and say, would you rather do something other than pay into the Social Security system?

□ 1715

Because, you see, if the savings account was there and we could genuinely go to our seniors and tell them their account was safe, we could then go to the younger people and ask them if they would like to do something different.

Very interesting thing happened the last couple weeks in my own family. My 8th grade son went out and mowed lawns this past summer. He earned 900 bucks mowing lawns this past summer, and it came tax time, April 15. I said: Matt, you have to fill out a tax return, you earned 900 bucks.

It turns out he did not really owe any Federal taxes for anything except Social Security. And when his tax return came back to him, his Social Security tax, being that he was self-employed, for earning $900 was over 120 bucks. So my 8th grade son was asked to pay $120 into the Social Security system, and he has no hopes whatsoever of seeing that money back.

The Social Security Preservation Act needs to be passed. It is a fairness situation. It needs to be passed in the very near future. We need to start setting this money aside so that our seniors are safe, so that the people in their forties and fifties are safe and so that the young people can start thinking about doing something different.

If we let this go, if we let this go in the 1990's and our generation looks the other way and continues doing the Washington thing and spending this money instead of putting it away, let the burden be on our shoulders when we have to go out to our families and ask to collect even more taxes than right after the turn of the century.

The issue gets even more interesting when you look at how the Social Security issue really impacts and affects the budget as a whole. You see, in Washington when they report the budget they report this blue area. In fact this year we are reporting a budget deficit of about $107 billion. What they do not tell you is that is how much the checkbook is overdrawn. Well, the checkbook is overdrawn by $107 billion but they wrote an IOU to the Social Security trust fund. So in addition to the deficit that Washington reports to the American people, they do not tell you that in addition to that they have taken the Social Security trust fund money.

The real deficit this year is not $107 billion. It is $107 billion plus the money taken out of the Social Security trust fund or in reality about 172 billion.

I come from the private sector. I am a home builder by trade. I have to tell you, if we tried this in the home-building business, not only would the banks reject our argument; I would be locked up in jail if I took the money that was supposed to be set aside for pension funds for my employees, spent it on other programs and put IOUs in their pension funds. It would be illegal in the private sector. It should be illegal here in Washington, DC. That is what H.R. 857 is all about. It makes this illegal.

Mr. Speaker, when people in Washington talk about balancing the budget, virtually all of America has now heard that the people in Washington are going to balance the budget by the year 2002. Virtually everybody in America has heard that that is going to be done. I think it is real important that we understand what Washington is talking about so we fully comprehend what Washington means when they say they are going to balance the budget because what Washington means by a balanced budget and what people in Wisconsin mean are two things different entirely.

When Washington says they are going to balance the budget, what they mean is they are going to get rid of this blue area; that is, they are going to get rid of that $107 billion debt. So let me make this as clear as I possibly can. When Washington, DC. says they are going to balance the budget by the year 2002, what Washington, DC. actually means is they are going to go into the Social Security trust fund, take out $104 billion of surplus that year, put that money in their checkbook and call their checkbook balanced. You see, in the year 2002, when Washington says the budget is balanced, they have still got the $104 billion that they are using out of the Social Security trust fund. That is inexcusable.

It does not have to be this way. The worst part of this whole picture is that absolutely it does not have to be that way. We have out of our office with the support of many groups here in Washington as well as many of my colleagues here in Washington proposed a budget that would stop this from happening. Our budget is very straightforward. It assumes CBO revenues. It assumes a revenue stream that is being estimated out here in Washington. It allows the American people to keep more of their own money putting $500 per year back into the pockets of our working families, per child. It allows for capital gains tax reduction, which is really a job creation bill.

It reforms the estate tax so that when people pass away they are not taxed on something they have already been taxed on. And at the same time, it sets aside the Social Security trust fund money. Now if that sounds too good to be true in a budget plan this year, the important thing to understand, as you, the American people, and my colleagues out there in all the districts they represent, the economy is stronger than anyone expected it would be. As a result of the economy being stronger, there is more revenue coming into the Federal Government than anyone anticipated.

Our budget, in a nutshell, accepts the President's Medicare proposals or at least the numbers that he has proposed and Medicaid and other mandatory but it throws out all of the new Washington spending ideas in the President's plan. It throws out all the new Washington spending ideas, in all fairness, in the Republican plans as well.

Mr. Speaker, our budget plan is very straightforward. We can balance the budget, set aside the Social Security money and we can do it if we simply say no to new Washington spending. When Washington saw these additional revenues coming in because the economy was doing so well, Washington again did the Washington thing. They looked for ways to spend that revenue and they proposed new spending programs. So instead of looking at this chart and saying, we need to set that Social Security money aside, instead of doing that, they came up with new ways to spend the money. Under our budget plan, we simply say no to new Washington spending programs, and in fact we can then get to balance without using the Social Security trust fund money.

One more thing that our budget does is very different than any other plan in Washington. After we get to a balanced budget, we cap spending growth at the Federal Government level at a rate 1 percent below the rate of revenue

growth. Revenue grows because of inflation and real growth in the economy. We cap spending increases at 1 percent below the rate of revenue growth. What this does is create a small surplus. If you are at balance, revenues go up by 5 percent, spending goes up by 4 percent; that creates a small surplus. That surplus is used to start paying down the Federal debt because, you see, even if we get to a balanced budget, we still have a $6.5 trillion debt hanging over our heads.

In our budget plan, we would literally pay off the debt so we could pass this Nation on to our children debt free by the year 2023, and then think what that means. That means instead of going to our families and collecting $600 a month to do nothing but pay the interest on the Federal debt, we would not need that money anymore. We could instead go to our families and say, keep that extra money. Go ahead. Put it away for your kids for college. Go ahead, put it aside if you want your kids to go to private school, go ahead send them there. Here is the $600 a month that you were paying in interest on the Federal debt.

This can all happen. It is not far-fetched. In fact, under that pay-off-the-debt plan, spending at Federal Government level would still go up faster than the rate of inflation. A lot of my colleagues do not like that, but the reality is even with spending going up faster than the rate of inflation at the Federal Government level, we would pay off the debt so we could have massive tax cuts. It is not only the tax cuts. That puts more money available out there in the private sector. More money in the private sector means looser money supply. Looser money supply means lower interest rates. Lower interest rates means our families can afford to buy houses and cars. And of course when they buy houses and cars, that means other people have to go to work building the houses and cars.

In Janesville, WI, there is a General Motors plant where we assemble Suburbans and Tahoes and Yukons. That is extra jobs for those people because of the interest rates down and people can afford to buy those cars that are being made. So it is a complete picture here of how we can restore this great Nation of ours. It can be done. It should be done. I just sincerely hope that the folks in Washington have the nerve that it takes to follow through on our commitment from 1994 to the American people.

I yield to the gentleman from Florida [Mr. SCARBOROUGH].

Mr. SCARBOROUGH. Mr. Speaker, I thank the gentleman for talking on this important issue. In just listening to it, it sounds too good to be true. It sounds too easy to be true but actually it is not. You look at the numbers and they actually all add up. With somebody that has a grandmother that depends on Social Security, that depends on Medicare, that depends on the assistance that she paid into for so long and somebody that has parents and in-laws that are coming of age where they are depending on a solvent system, this makes too much sense.

How can we continue to steal from the Social Security trust fund money that they paid into the fund simply to balance the books, so called, balance the books? Balancing the books the way Washington defines balancing the books. This is a real crisis. You hear so many people making complaints, yelling back and forth.

We had a shameful episode over the past few years regarding certain people trying to scare senior citizens for their own political gains but it comes down in the end to numbers and to demographics. There is a saying that circulates around now that says demographics is destiny. With the case of Social Security, that is the case. Back in the 1950's, we had 15 people working for every one person on Social Security. Today we have four people working for every one person on Social Security. Twenty-five years from now, there is going to be one person working for every one person on Social Security. So we need to save every cent of this surplus. If we do not, the consequences are going to be absolutely detrimental.

A lot of times you throw numbers around like this and you throw charts around like this, and it makes sense to us; but I have had a couple people come up to me lately and tell me what all this means. One person came up telling me what the huge Federal debt means to us and adding onto that debt, what that is going to mean to us.

They told me that they had figured out that, if you made a million dollars every day from the day that Jesus Christ was born until today, a million dollars every day, you would not make enough money to pay off the Federal debt. A million dollars every day for 2000 years. And then they got their calculator out again and continued calculating. And they said: And then we figured out that, if you made a million dollars every day until the year 14,000 A.D., made a million dollars every day for 14,000 years, you still would not make enough money to pay off our Federal debt.

Mr. Speaker, and still we have people coming to this floor every day telling us what a great job we are doing in balancing the Federal budget and that the budget negotiations that are going on now are so difficult and we are doing such heavy lifting. Yet they are not doing anything. They are not doing anything that is going to address how we keep Social Security solvent, how we keep Medicare solvent, how we keep Medicaid solvent, and how we prevent our children from paying a tremendous debt. During the campaign I talked about this. And my opponent acted outraged saying: How dare you try to scare children, how dare you try to tell them that we are depriving them of their future. That would not happen in America.

I said to him: I have some very bad news for you. Not only could that happen in America, that is happening in America, and unless we get disciplined it will continue to happen in America.

The one number I gave him that I think carried the day in that debate was the number 89 percent. That number comes from BOB KERREY, a Democratic Senator's independent commission on entitlements back in 1994. The conclusion, using independent numbers, using Congressional Budget Office numbers was this: that if we continue down this path of tax and spend, tax and spend, tax and spend, that our children, your children, I have seen them, my children, my 9-year-old boy, my 6-year-old boy will be paying a tax rate of 89 percent to the Federal Government by the year 2025 when they are in their thirties. Barely my age, they will be paying 9 out of $10 in taxes.

Mr. NEUMANN. I was in an appropriations meeting today. I heard time and time again how we need to do this or that or the next thing to help the children of this Nation.

I just point out that, if we do not get to a balanced budget, if we do not do what is right to stop this growth of debt, the opportunities for the children of this Nation are going to go away.

The most important thing we can possibly do is make sure that we do get to a balanced budget so that the government is not taking all of this money out of the private sector that should be out there to keep the money supply available so interest rates stay down.

And make no mistake about it. I noticed in a newspaper on the way out here this week, the headlines, two sections, headlines were good news about the economy because the deficit was down. When the deficit is down, they do not take as much money out of the private sector. When the Government is not confiscating that money out of private sector, there is more money available out there for people to borrow. And when there is more money available, the interest rates stay down. When the interest rates stay down, people can afford to buy houses and cars. This is what we need to do for our children.

When the interest rates stay down and people buy those houses and cars, that means that there are job opportunities for young people right here in the United States of America, not the Government stepping in to take care of our children but rather our children having the opportunity to get a job and the opportunity to get a promotion and to create a better life for themselves and their family.

That is what this ought to be all about. It is about whether or not the next generations of Americans are going to have the opportunity to live the American dream. It is about whether or not we in our generation are going to be able to fulfill our commitments to our seniors, my parents, your parents. It is about whether we fulfill those commitments to our seniors.

Most important, I have to say, it is about our children and our grandchildren. It is whether or not there are going to be American job opportunities for those kids when they reach the age where they are making a decision on where they are going to go.

In this day and age we live in, you can get from here to Japan or China, anywhere else in the world in a relatively easy manner on a plane. Those kids are going to have the opportunity to go elsewhere in the world. If we mess this up to a point where it is not affordable for them to live here in the United States, they are going elsewhere. Because kids are dynamic. This is a dynamic Nation. And for generations there have been entrepreneurs that have built this great country of ours.

And if we mess this up to the point where the tax rate is 89 percent of all of their earnings or to a point where interests rates are so high they cannot afford to buy a house or car, they will be in a different country and they will raise our grandkids somewhere else other than America.

□ 1730

That is what this is about. It is about getting our financial house in order so our children have the opportunity to live the American dream.

Mr. SCARBOROUGH. And if the gentleman will continue to yield, the gentleman talks about children, and I know he has seen and I have seen and others have seen people pile on to the floor over the past 3 years since we came here in 1994 and they talk about children. And Washington is great. Any time somebody has a program that they cannot pass on its merits, they put on the children's tie and they come out and start talking about how much they love children.

It seems to me that some of the people come to this floor so much talking about how much they love children, and they love children so much that the first pockets that they go to to pay for their new Federal Government plans are our children's pockets. We can make no mistake of it, they are reaching down into the pockets of my children, the gentleman's children, children from across America, and they are stealing more money from the pockets of our children.

That may sound a little bit blunt, but it is the truth. We have already stolen, this body over the past 40 years has stolen $5.6 trillion from future generations, and it is future generations that will have to pay that bill after the gentleman and I are retired.

Mr. NEUMANN. Reclaiming my time, I would say to the gentleman that we are about to do more of it. The supplemental appropriations bill, and I mentioned this earlier in the hour, is for a legitimate purpose, to help flood victims, those folks in North Dakota. They have a problem with the flood. It is real and it is genuine, and there are other people around the country that have real problems.

People in Wisconsin do not mind helping them, but when we are doing that, is it right that we take our children's money to help them, or would it be more fair to take money from our generation and help them? And we can do that by going to other parts of the budget and reducing spending elsewhere in the budget so we can help the flood victims.

But that is not the decision we are making in Washington. What we are doing in Washington is saying, forget it, we will add to the debt the kids will pay. We cannot keep doing that or the debt will get worse and the problem will compound itself to a point where we cannot deal with it any more.

That is a decision being made next week, and I sincerely hope my colleagues will join me in our efforts to make sure that rather than simply saying the flood victims need help, we have to help them, let us do it so that we will have our children pay for it; that instead of that, they will say the flood victims need help, let us do it, here is a less important Government program that we can cancel to help pay for the flood victims.

That is an entirely different concept. Right now we are intending to go to our children and say let the children pay, and that is just absolutely wrong.

Mr. SCARBOROUGH. I know that as a businessman, as a father and as a husband, there have been times when the family, we have put our families around the kitchen table, and I remember my parents did it when I was growing up, we do it at our home, and we look at the family finances and say, gee, we have these two credit cards and we are spending more money than we can afford to spend on the credit cards. And not only is it how much we are charging on the cards that we have to pay back, but it is the interest that keeps accruing, and we come to a decision as mature, rational middle-class Americans and we say, OK, listen, we are going to have to pay down these credit cards. We will have to cut a couple of them up, and we are going to have to spend only as much money as we bring in.

I remember looking at the wonderful example of my grandmother, who recently passed away, lived 93 years, and she raised a family of six in the Great Depression. That work ethic, that belief that one should never go into debt because there are disastrous consequences, that ethic was passed on to my parents, who passed it on to me, and I am just wondering when that ethic is going to infiltrate Washington, DC.

We thought in 1994 that the American people had sent a message, not a radical message, because radical, radical is a funny word. We were called radical because we believed in this: We believed that Washington should only spend as much money as it took in, and for that we were called radicals. We were called extremists. We were called reactionaries.

Let me tell my colleagues that where I come from a radical is somebody who believes they can spend more money than they take in, that a spending increase is called a spending cut, and that a spending cut actually amounts to a spending increase. And we heard all three of those arguments last year when we were told that a 7-percent increase in entitlement programs were massive cuts, when we were told that eliminating entire Cabinet agencies would actually drive up the debt.

I mean this was logic from people that have lived in never-never land for too long, and it was Alice in Wonderland-type reasoning and the type of reasoning that we came here to change.

Mr. NEUMANN. I was going to mention to the gentleman, he was talking about the values passed on to him by his grandmother and this concept that a debt is an inappropriate thing as one goes forward. This is more than an issue about numbers and whether we need to pay down the debt or balance the budget. It is an issue about morals, and it is one of many moral issues facing America today.

When a generation concludes that it is all right for them to spend the next generation's money, we have more than a numbers problem, we have a moral crisis facing America today. And this is just one part of it. The moral crisis facing our Nation is even bigger than what we are looking at here today.

I would go into one other area, but first I want to yield to my good friend from Minnesota. I would mention, however, that my son is filling sandbags over in part of the gentleman's district. I was just commenting that one of the districts in the gentleman's district was flooding and how important it is that we handle this issue properly here in Washington.

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman for yielding. I just came from a meeting with our Governor and the rest of the Minnesota delegation to talk about what has been happening in our State. I think we all, from both sides of the aisle, and whether we calls ourselves liberal or conservatives, recognize that there is a need, as the gentleman from Florida a few years ago can attest, when the hurricane came through southern Florida.

In some respects, my district has been spared all but just the edges of the serious flooding, but the folks up in northwest Minnesota, it is a devastating thing to have entire cities literally under water. And it is the kind of situation where who would have ever predicted that a relatively small river like the Red River would be 25 feet above flood stage.

So I think that we are going to do what we can to make certain we get the aid that we can to those people to begin to rebuild the infrastructure in those areas, but I think there is also a new ethic in this Congress, that we should figure out a way to help pay for that as well out of this budget. That is going to be tough.

I know that the gentleman is doing what he can on that front, because I think there is a different ethic, and we will have to say that some projects will have to be delayed because this is a much higher priority project.

I also want to, if I could quickly, talk about, and it is not just the people in my area, but I think this is an ethic of Americans all across our country. My wife told me that about 36 hours ago now one of the radio stations in my district announced a program to try to raise some money for the folks up in the Red River Valley and they set a goal of raising $10,000. I think my numbers are correct, that within 24 hours they already had pledges and cash totaling over $21,000. I think that is going to happen all over the upper Midwest. And we are demonstrating that charity begins at home and that we will find people willing to help out. I think that is a great thing.

In the bigger picture, I do not think we should say, well, this is a new program, we will just have to add more debt to our grandchildren. There are certainly projects still in the Federal budget that are going to be delayed, that should be delayed in order to pay for this, and we hope that we can figure out ways to offset that spending as well.

And I thank your son for being one of those who are volunteering on the sandbag lines. Literally there are thousands of volunteers from Wisconsin and Minnesota, the Dakotas, and all over the upper Midwest helping those people save their homes.

Mr. NEUMANN. I want to mention, and we have talked about this a little, how this is really a tough dilemma, because on one hand we have flood victims who are truly in need of help, and on the other hand we have the responsibility to the future generations as well as to our senior citizens to make sure we are able to fulfill our commitments to seniors and to Medicare and also our commitment to our future generations to not leave them with a debt so big they are paying 89 percent of their total income in taxes.

So what do we do in this type of dilemma? I will give my colleagues an example, because this occurred today. In the Committee on Appropriations meeting I suggested that rather than simply saying let the children pay, or do a spend-now-pay-later kind of idea, where the children literally get this $4.8 billion, $4,800 million passed onto their backs, that what we do is this: We, as Members of Congress, make a commitment, and our commitment is this, and do not laugh when I say this. Rather than have elevator operators, who sit in elevators and collect tax dollars, push elevator buttons for us as we travel from our office buildings to the House floor to vote, that rather than use the salaries for them, instead of asking our children to pay, we no longer have elevator operators push the buttons as we travel from one place to another in this community.

Many people in America do not realize this, but there are literally people that sit in the elevators and push the buttons so that Members of Congress do not have to push their own elevator buttons. So my suggestion was, why do we not take the money that we are using in those salaries, and those folks can be reassigned. I know them and they are very capable and responsible people, and they can easily be reassigned elsewhere as people retire, and so on, to fill the place of people who are retiring. So we take those folks that were sitting in the elevators, Members of Congress are perfectly capable of pushing their own elevator buttons, and they take that salary money and apply it to offset the cost of helping the flood victims.

Now does it not sound reasonable to my colleagues that instead of spending the money on elevator operators that we would help flood victims instead? And does it not seem reasonable that instead of passing this debt on to our children and simply going, let the kids pay, spend now, pay later, instead of letting the kids pay that we find things like the elevator operators that we can do without?

Certainly, Members of Congress, if they figured out how to get elected, are perfectly capable of figuring out how to push the elevator buttons. I have great confidence. I say that tongue in cheek, but the reality is I know that we do not have to spend $500,000 a year of the taxpayers' money on this particular topic in Washington, DC, and that money could be applied to help the flood victims rather than simply saying we are going to spend the money, let the kids pay.

Mr. GUTKNECHT. If the gentleman from Wisconsin [Mr. NEUMANN] would yield, I think that there are plenty of examples. The gentleman from Wisconsin has illustrated one. But I think perhaps even to the point, we are paying to rebuild villages and countries all over the world; and I think this is one example where we probably have got to rebuild some of our villages and our cities first.

It really is a matter of priorities. I applaud the Committee on Appropriations for what it is doing, but I do not think we should get away from the basic goal of balancing the people's books. Partly, as the gentleman says, it is a moral issue. It is not just an accounting exercise, it is about preserving the American dream for our kids.

Every time something comes along where we say we want to balance the budget but, we would balance the budget but, we have just got to eliminate those ''yes, buts.''

Mr. SCARBOROUGH. Mr. Speaker, I heard the gentleman from Minnesota [Mr. GUTKNECHT] say that charity begins at home. I believe that the ethic that the gentleman was talking about and that my colleague, the gentleman from Wisconsin [Mr. NEUMANN], is talking about also begins at home, that we, as Members of Congress, should save this country $500,000 by pushing our own elevator buttons for automatic elevators.

Let me take it a step further. I certainly hope I do not make some fellow Members uncomfortable, but we had quite a showdown a couple weeks ago because we believe that this Congress should abide by the same rules that middle-class Americans abide by; and if you do not have money, if you are $5.4 trillion in debt, then you do not raise the spending for your own committees and for your own appropriations.

That is going to be a pitched battle. I have seen some reports in the paper today that I know have to be inaccurate that talk about how our leadership is actually going to some of the most liberal Members in this House in trying to strike a deal because they are so desperate to get committee funding increased that they would rather deal with those that spin us into debt for the past 40 years instead of talking to those of us who believe that one only spends as much money as one takes in.

I know that those news accounts are inaccurate. I have full confidence in it. I know that our leadership is going to come back here and they are going to say, if we want the American people to only spend as much money as they take in, then we are going to live by those rules ourselves, that the ethic that got us through the Great Depression, the ethic that got us through World War II, that made America the last great hope for this dying world, that we will live by those same rules.

Mr. NEUMANN. Reclaiming my time, is it not nice to have confidence in the Republican leadership to know that Republicans do not stand for increasing the size of Washington committee staffs; Republicans stand for making Washington smaller and less intrusive in our lives?

So certainly, Republican leadership is not going to bring us a bill with a 14½-percent spending increase. Republicans stand for getting to a balanced budget. That was our issue a long time ago. We really do mean that we want to get to a balanced budget.

So I know that our Republican leadership is not going to allow a bill to come to the floor of the House that spends now and passes the spending debt on to our children, the spend-now-pay-later plan of spending $4,900 million of our children's money.

□ 1745

I know our Republican leadership understands that we have to go elsewhere in the budget and find wasteful spending to offset this new spending for a legitimate reason.

Mr. SCARBOROUGH. If the gentleman will yield, of course, they would have to. Because how could one say on one hand, we have got to balance this budget, we have got to get by on less, we have got to freeze discretionary spending, and then turn around and increase your own budget by 15 percent? These are some very intelligent people,

and I have confidence that the same fire that brought this party to a majority in 1994, the same visionary leadership, the same visionary courage that had men and women across the country saying we will live by the same rules that middle-class Americans live by, that sounds so simple in Washington, DC. I know they are not going to back down now. Because to do so would be sending a dangerous message, and I know they are not going to do that. I am glad to be a member of a party that has such courageous leadership.

Mr. NEUMANN. I yield to the gentleman from Minnesota.

Mr. GUTKNECHT. To change the subject slightly, there was a Pepsi commercial that used to say life is a series of choices. And really Congress is about making choices. We may have to have some different priorities. It may mean that we will have to delay the purchase of some of the B–2 bombers. It may mean that we are going to have to pull our troops out of Bosnia sooner because we simply cannot afford $2.5 billion a year to keep troops in a country that may or may not ever be at peace with itself.

There are a lot of choices that we are going to have to make in this Congress, and they are not easy choices, but I hope that we will not say to people, whether it be in Grand Forks, ND, or East Grand Forks or some of those people who really are suffering that we are not going to help you.

I really do think we have to help those people, but then we have got to make the tough choices. And as I think what you are saying is, Congress has got to lead by example as well. We are going to have in the next several weeks a number of tough choices. I would hope that within 2 weeks, this House will have on the floor a budget resolution which will be the blueprint. Hopefully, it will be an agreement between the White House and the Congress. And there are negotiations going on, and we hear rumors that one day they feel like they are close, the next day they are far apart. We really don't know, and they have been very tight-lipped about what exactly the terms and conditions are that are on the table.

But we hope there will be an agreement between the White House and the Congress on a budget resolution. But even if there is not, this House is going to have to pass a budget resolution very soon and it is going to mean some tough choices. We are not going to turn our backs on people, and particularly Americans who are desperately in need and then say to other countries and other people around the world, well, sure, Uncle Sam will be there to bail you out.

So we are not going to turn our backs on those people who are suffering in the United States and continue to provide unlimited foreign aid to some of these other nations.

Mr. SCARBOROUGH. If the gentleman will yield, he brings up a good point. We talked about Congress negotiating with the President. Obviously, we negotiate with the Senate also. Let me just say this: This is something that gets lost in all the discussions about the budget.

The Constitution says that this body, the people's House, as the Speaker says, this body that is closest to the people has the checkbook. And so we have to stop pointing our fingers at the Senate, we have to stop pointing our fingers at the White House, and we need to recognize that we have the checkbook, that all spending originates here, all bills that have anything to do with spending originate here, and so we have the ultimate responsibility.

We have got to take personal responsibility for that instead of turning and whining about how the Senate moderates everything or how the White House is addicted to spending. Whether that is true or not is completely irrelevant. We have the checkbook in our hand. If we have a checkbook in our hand and our children come up and say they want to spend money on Nintendo games or they want to spend money on a trip this summer, they want to go to Disney World, if we do not have the money, we have the checkbook in our hand, and if we go ahead and write a bad check to our children just because we are afraid of the consequences, then we have no moral courage and do not have the moral fiber that we have to have to make the tough decisions. We need to always remember that. Unfortunately, it seems to me at times that Congress has forgotten that.

Mr. NEUMANN. There is one thing the gentleman from Minnesota mentioned; priority spending. There is kind of a myth going on out here in Washington D.C., and I noticed it at our town hall meetings, we just held about 20 of them. The myth has really penetrated to the public that they believe defense spending has gone straight up and very, very few people in this Nation recognize the fact that defense spending has actually dropped, in actual dollars spent, dollars written out of the checkbook from $300 to $266 billion a year from 1990 to 1996.

In real dollars, it has gone down even more. In real dollars, that is dollars adjusted for inflation, it is comparable to a drop from $325 to $242 billion over that 6-year span of time.

The other thing that is out there kind of as a myth is that with this defense spending increase, and we are cutting all these other areas in Government. Well, the reality is that is not true, either. The reality is these other areas called nondefense discretionary spending have risen dramatically from $165 billion in 1986 all the way up to $268 billion 10 years later. So over a 10-year period of time, it has nearly doubled, in spending in these other areas called nondefense.

Everybody blames Social Security and Medicare and all of that stuff for rising too fast. The reality is it is not just there. It is these other programs, too, that have gone up by over $100 billion over that 10-year period of time. I, for one, would just take the opportunity when you mention priority and spending to work again to dispel the myth that somehow defense spending is the cause of the problem.

In fact, defense spending has dropped over the last 10 years in either real dollars or actual dollars coming out of the checkbook. I think it is important, because the threat is growing around the world. We do need to maintain our defense.

Mr. SCARBOROUGH. If the gentleman will yield quickly, a couple of quick numbers. We are spending less on defense today per ratio of how much we have at any level since 1939, before World War II and Pearl Harbor. The dire consequences are these: We have enlisted men and women who are on food stamps. We have promises that are being broken to our military retirees and our veterans. We cannot sustain the continued cuts unless we want to face dire consequences in the 21st century.

We have to be concerned about a system that allows men and women that are protecting this country to live on food stamps. The quality of life right now for men and women in the armed services is absolutely dismal, at its lowest level ever.

Mr. NEUMANN. I would just add in the defense area that defense is not above wasting some money either and certainly is subject to our review as we find areas of waste within defense so that those dollars can be reallocated and better spent for the defense of this Nation.

Mr. GUTKNECHT. If the gentleman will yield, I would make this point as well. We heard a lot about when we won the cold war, and frankly, I think sometimes we are too timid to say, we won the cold war. The military buildup of the 1980's was perhaps, in my opinion, one of the greatest investments in the history of human beings because we literally won the Third World War, the cold war, if you will, without firing a shot. It was because of the buildup. Now, we are seeing some of that peace dividend.

Real defense spending has dropped by over 30 percent in the last 5 years. A lot of people talked about the peace dividend. But I think most of us would agree that that peace dividend ought to go to our children rather than go into even higher domestic discretionary spending. Unfortunately the gentleman from Wisconsin is absolutely right. What we have seen is dramatic increases in domestic discretionary spending along with entitlements as defense spending has come down. But let me just say this, too, and I think this is an important point, and we should have a healthy debate about how many B–2 bombers we really need. The gentleman from Wisconsin may disagree with me and the gentleman from Florida may disagree with me, but I think we probably have enough

B–2 bombers. But let us have that debate. Even within the Defense Department, whether or not we need to move ahead with some of the other new weapon systems or if they can be delayed. We live in a relatively safe world. I do not want to cut defense irrationally, but on the other hand I do not think any area of the budget should just be rubber-stamped by this Congress. As I say, we have got to set priorities and clearly at this point in time one of those priorities has to be people who are hurting in disaster areas such as northwest Minnesota.

Mr. NEUMANN. We are nearing the end of the hour that we have reserved to us this evening and I thought I would bring the discussion kind of back to where we started, and that is this picture that shows the growing debt facing this Nation of ours and maybe talk a little bit about an issue that is very important, that is probably not now coming to the floor of the House but we hope it does in the future, and that is the balanced budget amendment. I have had a lot of people in our town hall meetings again asking me the question, ''Do we really need the balanced budget amendment?'' I have been asking those people back when they ask me that question, I just point to this chart and point to the growing debt, and then I ask them, if we did manage to get to a balanced budget in 2002 and let us be optimistic and say we got to a balanced budget without using the Social Security trust fund money, we got Washington to stop spending the Social Security trust fund money, we got the job done. Do you really think that in 2003 they would balance the budget again? Or do you think we would go back to our old ways? And even if we managed to do it in 2002 and 2003, how long would it take before they went back to their old ways of this growing debt?

That is why a balanced budget amendment that has failed by one vote three times in the Senate of the United States is so important. I hope on the other side they decide to bring it back again and get another vote on it so that we have what Wisconsin already has in its constitution, a requirement that we do not spend more money than we have. It is not about a balanced budget. It is about our children's future and whether or not they can hope to have a future in this great Nation of ours. Without a balanced budget amendment even if we manage to get the job done by 2002, we have those after years, 2003, 2004, 2005, 2006, and so on to worry about. Fixing the problem temporarily by 2002 is not going to solve the long-term problem without the balanced budget amendment to the Constitution.

Mr. GUTKNECHT. As I have said before, and one of the things I really like about the budget plans that the gentleman and I have worked on, and frankly the gentleman from Wisconsin has done a lot more of the work than I have, but as a famous architect from Chicago said, ''Make no small plans.'' I think we need a big vision, and I think the vision should not be just to balance the budget by the year 2002. I think the real vision and the real goal ought to be to pay off that national debt. As the gentleman says, and I certainly agree, I can think of no better thing to leave our kids than a debt-free future. We have an opportunity to do that if we will exercise the discipline this year and every year. As we have said before, balancing the budget is not something you do next year. Balancing the budget is something you do this year. It is something you do every day. That is why as we look at this supplemental appropriation, I hope that the gentleman is successful in the Appropriations Committee to make certain that we set those priorities, that we rearrange some of the budget so that we can take care of those people who are hurting and needing in certain areas of our country and still stay on that glide path to balancing the budget.

Mr. NEUMANN. Would the gentleman not say that is also true of the Social Security issue? The issue where the Federal Government is collecting out of paychecks about $65 billion more than it is paying back out to seniors and that that money is supposed to be set aside in the savings account but Washington is instead spending that money? Is that not a day-to-day struggle also to prevent Washington from spending that money?

When Washington talks about getting to this balanced budget in 2002, we cannot accept getting to the balanced budget by going into the Social Security trust fund and taking that money out, taking $104 billion out of the trust fund, putting it in the checkbook. That is not good enough. That is not really a balanced budget. Is that not what this fight is about day to day out here to stop Washington from spending that Social Security money, get us to a balanced budget but do it the right way without using the Social Security trust fund money to get there? Are those not the battles that we are engaged in out here day after day after day in this city?

Mr. GUTKNECHT. We are certainly in a wonderful position. We are given a golden opportunity. We are at relative peace and relative prosperity here in this country. If we cannot balance the budget and save Social Security now, I do not know when we will.

Mr. NEUMANN. I thank the gentleman. I would conclude tonight with a very optimistic picture for the future of this great Nation that we live in. We have it within our grasp, within our means, within our understanding to do what is right for the future of this country. We have laid out a plan that gets us to a balanced budget by 2002, lets the American people keep more of their own hard-earned money, sets aside the Social Security trust fund money that estops Washington from spending the money that is supposed to be in the Social Security trust fund and at the same time looks past the year 2002 to 2003, 2004 and beyond, looks at paying off the Federal debt so instead of taking $600 a month from our families of five in America, that instead of doing that to just pay the interest on the Federal debt that we can look at the families keeping that money, using it for education, using it for things that are so important in our families in America today.

We do have a big vision for the future of this great Nation we live in. It includes a balanced budget, it includes protecting and preserving Social Security and fulfilling our commitment to our seniors in Medicare. It includes letting the American people keep more of their own hard-earned money. There is just no reason not to look past that and look to the big picture and say, yes, we can pay off the Federal debt and, yes, we can get to a point where our people do not need to pay $600 a month to do nothing but pay the interest. Let our families keep that money in their own pockets to spend in the way that they deem most appropriate instead of sending it out to Washington to do nothing but pay the interest on the Federal debt.

I see a very bright future for America because if we manage to implement these sorts of plans, that means the Government is going to quit borrowing the money out of the private sector, leave the money in the private sector. When there is more money in the private sector, that means the interest rates stay down and when the interest rates stay down that is a bright picture because then people can afford to buy houses and cars and all the other things that they do when the interest rates are low, and that means somebody has to build those houses and build those cars and that is job opportunities for the young people in this great Nation that we live in. These are our hopes and dreams for America's future. God bless you all.

□ 1800

RED RIVER VALLEY FLOODS

The SPEAKER pro tempore (Mr. MICA). Under the Speaker's announced policy of January 7, 1997, the gentleman from North Dakota [Mr. POMEROY] is recognized for 60 minutes as the designee of the minority leader.

Mr. POMEROY. Mr. Speaker, my remarks tonight have nothing to do with political party or political ideology. In fact it has rather to do with something much more basic than that, disaster of an unprecedented character that has inundated the second largest city in the State that I represent, the State of North Dakota, and caused hundreds of millions of dollars of damage up and down the Red River in light of the disastrous floods we continue to experience. During the next few minutes I want to brief my colleagues about what brought this about, what weather circumstances were out there that caused

flooding of this unprecedented character.

Mr. Speaker, I want to tell my colleagues of the preparations made to fight the flood, because I think it is important that they understand we did not just sit and give way to the river. In fact, this is only the final stages of what had been a heroic several-week period of frantic effort to beat these waters back. I want to tell you, sadly, about how the battle for Grand Forks was lost and how the city has now been totally inundated and the consequences of it. I want to bring you up to date in terms of how people are coping with this disaster and assess finally where we go from here.

First, what brought all this about? Well, this has been one winter for the books in North Dakota. We are used to tough weather, we pride ourselves on it, but this year we had an unbelievable series of first occurrences, more snowfall than ever, worse blizzards than ever, a 50-year storm on April 8, only now not quite 3 weeks ago, dumping more snow on already land that was just buried in snow. We had the first Presidential disaster declaration issued statewide for a snow emergency.

Now very unusual to have a snow emergency, but in this circumstance we literally could not deal with the volumes of snow on our roads that were impeding access, critical access, to medical facilities and the like for the citizens of North Dakota, as you know many scattered about on the farms and remote smaller towns across the State. We needed more help in keeping our access to the facilities, and that is why as we coped with the snow, the Presidential declaration issued statewide had become acquired.

I think that we would have been OK but for the blizzard of nearly 3 weeks ago. The meteorologist tells us that this storm alone was a 50-year event, worst storm in 50 years.

So you take a situation where the land has been saturated with wetfall, covered with more snow than we have ever had in the history of recording snowfall in North Dakota, and add to it the worst blizzard in 50 years, and you had all the elements for a true disaster.

As the snow started to melt, we began to see in the rural areas just what we were up against. This picture shows what we have seen across an awful lot of rural acreage in North Dakota, standing water of flooding proportion and the small tributaries which carried it to the major river arteries also flooding. As the floodwater went from the rural reaches to the larger rivers, the flooding accelerated.

We began with the State really following the blizzard of nearly 3 weeks ago, the April 6 blizzard, in a virtual deep freeze. In fact we had some tragic loss of life due to exposure the second week in April as the State coped with freezing temperatures and power outages. As the weather warmed up, at last, and all the snow melted, the water really started to flood.

Now we thought we were ready for the floods that we knew were to come. The Weather Service had given us early forecasts predicting severe flooding and giving us specific numbers that allowed the Corps of Engineers to begin the work on the dikes for these cities literally weeks earlier than had ever been attempted before. By the time we came into the month of April, millions of dollars had been spent elevating the levees and getting them ready for the flood water that we knew was to come.

General Furman, the head of civil works for the Army Corps of Engineers, surveyed the preparations and indicated that he thought this represented the very best advanced measure work the Corps of Engineers had ever attempted, the best effort to stop cities from flooding represented in weeks of frantic activity, activity including the movement of massive amounts of clay and dirt in earthen levees at the citywide level and then, as individual homeowners prepared, literally millions of sandbags, an estimated 6 million placed in Grand Forks alone, put in place bag by bag by bag, with the countless hours of hundreds and then thousands of volunteers.

The floods impacted in particular the Red River Valley and caused us the most severe flooding that we have had to deal with, and the Red River is somewhat unique in North Dakota; it flows north. This is an unfortunate character for a river in the north country because you take water in the south and you send it into ice in the north before it is melted, frequently resulting in ice jams and exacerbating the flooding problem. All up the Red River Valley the cities have had problems; Wahpeton having their crest occur literally in the height of that April 6 and 7 blizzard, people enduring ice and snow to place urgently needed sandbags in dikes that were just about to give way. Wahpeton fared relatively well through the flooding crests that they sustained. Unfortunately, their sister city, Breckenridge, MN, did not fare as well, and there have been hundreds of homes flooded in that city.

North flows the river. As the problem eases in Wahpeton, the problem grows for Fargo and Moorhead. Frantic efforts have saved most of those cities, although dozens of homes have been lost in that fight as rural houses could not be protected and as urban ones in some neighborhoods gave way. Urgently constructed secondary dikes prevented much greater flooding in that area.

Coming now to Grand Forks, certainly the greatest loss we have sustained in the flooding, the river running now at 54 feet. That is over a flood stage of 28 feet and over a normal elevation for that river of 16 feet. A river that on a summer day is 16 feet deep is 54 feet deep as it rampages through the neighborhoods of Grand Forks tonight. This is several feet above the forecast. In fact, it is entirely possible that inundation would not have occurred had we prepared for a height of this magnitude. It is by a factor of several feet the highest flood ever reported in Grand Forks, ND, and they did not have the dikes constructed to the level to deal with it. Frantic and truly heroic efforts made in the final hours of the fight to get the levees up with the rapidly increasing height to the river unfortunately were unsuccessful.

The general river flows in Grand Forks normally run at about 5,000 cubic feet per second which is how they measure river flows. The water flowing by Grand Forks today is 110,000 cubic feet per second, 22 times the normal rate of flow, which gives you a very good idea about the amount of water in the Red River system that is funneling by Grand Forks and inundating that city and threatening two cities to the north, Drayton and Pembina, as the river crests continue to work their way north.

Unfortunately the battle for Grand Forks, as anyone knows who has seen the television footage, was lost. It is a very flat city and the dikes were not capable of being lifted to the final elevations the floodwater required. As the dikes gave way and the streets in the lowest lying parts of town began to be inundated, they flooded also the city's storm sewer system. A storm sewer system very efficiently takes runoff water from city streets to the river when the river is at its normal elevation, but in this flat city when the river is at an elevation that is higher than the city streets, it just as efficiently transfers the water from the river throughout the neighborhoods. That is why only 1 in 10 of the flood victims in North Dakota had flood insurance. The great majority was well outside the 100-year flood plain, but water came charging through the storm sewers and bubbling up through the manhole covers on every corner slowly but surely inundated virtually 90 percent of the city of Grand Forks.

There were some very dangerous periods during the loss of the city of Grand Forks. There were evacuations occurring in the dead of night, people forced to leave their homes with the possessions that they had on their backs in advance of the flooding waters. Others had slightly more time.

I watched the Red River High School serve as an evacuation center, and I will tell you it looked something like you might see out of a war zone. People, evacuees from the city I know so well coming flooding into the school and being routed on to schoolbuses and sent to the shelter at the Grand Forks Air Force Base, all keeping them out of harm's way and the ever-rising waters.

The hospital for the city that had 200 patients, many of them critically ill and in intensive care, had to be evacuated as their water system became polluted. People were med-evac'd to hospitals throughout North Dakota and Minnesota. Fortunately all of that transfer occurred with no loss of life. All of the evacuations occurred with no loss of life.

The University of North Dakota, the largest university in North Dakota, a school of 11,000 forced 3 weeks before the end of the semester to just shut it down. The president of that university indicated to the professors: Give your students the grades they have earned to date or give them incompletes, but we are done with the semester, there will be no commencement, school is out, school is over, get your students out of town.

All of this occurred as the water rose, and the next two charts I would show you go to show you the dimensions, the depths of the water that especially the lower lying parts of town had to contend with, yet again more than 90 percent of the town ended up being inundated.

This is a home that has been in the water a day or two, and as you can see it is literally floating. Houses will float, and so these houses, a number of the houses, will be totally wrecked as they floated off their foundations, as the one in the picture illustrates.

This shows a line of cars, people forced to leave their houses so quickly they could not even get their vehicles, and those vehicles have been bobbing like toy cars and trucks on the streets as the water has so completely inundated them, as you can see.

Just when we thought it could not get any worse it got worse. A fire broke out that ultimately claimed 11 of the major buildings in the downtown intersection. This picture shows the first building to go into flame. They believe the cause of it was broken gas pipes. I talked to a fireman that was down fighting the fire, and he says, you know it is ironic, but a fireman's best friend is water. Water is a critical element we use to control fire. And yet we could not fight this fire because there was too much water, too much water on the street to get our equipment down, and they literally dove under water trying to locate hydrants to hook up their hose, and when they finally did get their equipment moved in rough proximity to the fire, got their hoses hooked up to the hydrants, the city's water system had been so badly damaged that there was no pressure for the water to fight the fire. Ultimately it was fought by air, Forest Service planes dropping a fire retardant on it and a Coast Guard helicopter using a device that was capable of bringing river water over the flame ultimately controlled it again after 11 buildings were lost, buildings including the Grand Forks Herald, the city's newspaper, one of the State's largest newspapers as well as a major bank and other major commercial buildings in downtown.

The devastating aftermath is revealed in the next two pictures I have. You have a city that one person called it a mixture between Venice with the water and Berlin with the charred remnants of buildings. This is the scene today, a scene that has been widely reported in newspapers across the country and across the world reflecting the extent of the devastation that Grand Forks, ND has had to cope with.

□ 1815

The loss is as comprehensive as it is horrific. I mean, this is a God-awful scene, but just as God-awful is the fact that this disaster has touched virtually everyone in the community. I was there last weekend, and for an example, on a boat ride, as we toured the devastated downtown, the photographer taking pictures said, as we passed the newspaper, I might get a little emotional here. I asked him why in particular. He had lost 25 years of negatives in the fire at the Grand Forks Herald, all of his life's work reflected in his negatives, all of them torched and left without one in that fire.

Later that afternoon I was on a street assessment looking at areas of town that had not yet been evacuated and the determination being made whether or not they needed to be evacuated. The policeman that was with me on that assessment had already lost his home, and the city attorney's home was subject to imminent threat and has now also been inundated. The mayor of Grand Forks, Mayor Pat Owens, a woman who has shown such tremendous character and courage in the face of this disaster had, all the while she maintained her public leadership, faced deep personal challenge. She had a 92-year-old father that she could not get to leave his house even though he was being flooded. He finally agreed to leave when necessary and agreed to take his dogs along. Her own house, aside from worrying about her father, was also lost.

When I flew out Monday morning from Grand Forks, the people at the Northwest Airlines ticket desk were unshaven and unshowered, not surprising, given the fact that there is no water in Grand Forks. They indicated that to a person, the people at the counter had each lost their homes. Their families had been evacuated. But they said it could be worse, we still have employment.

The telephone company is the only operating business in Grand Forks today, and it is operating because it is completely sandbagged. Crews are working around the clock pumping out water and actually using blow dryers to keep the cables dry. Boats bring in supplies to maintain the 24-hour shift.

The Grand Forks Herald, I believe, is a real example of just the courage of this community in coping with the disaster.

Mr. Speaker, the city is presently publishing in a school north of town. The paper is being printed in St. Paul and flown back for distribution in Grand Forks free of charge so that people can track the information, and there is no advertising revenue in these newspapers supporting this city effort.

This column, ''The Day That Changed Everything,'' was literally written by the editor as the newspaper building burned and destroyed completely that newspaper. The community, being desperate for news, continues to benefit from the heroic efforts of the Grand Forks Herald and its staff, and I really salute them for their effort.

Mr. Speaker, the community response to this disaster has really been overwhelming. The Grand Forks Air Force Base, the major Air Force base 13 miles out of town, has brought resources to bear that have been critical to our getting through this. They took a massive three-bay hangar and turned it over as an evacuation center, housing up to 2,500 evacuees on cots; not very comfortable cots I know, because I slept on one Saturday and Sunday night in that shelter. But the hospitality, the friendliness, the support of encouragement provided by the men and women of the Air Force working at that base was something to behold. They have done a tremendous service and shown what an essential part of our community they truly are.

Families throughout the region, both in North Dakota and the Minnesota side, have phoned into radio stations with the most unbelievable offers you have ever heard on the air: We have a home. We have room, we have a spare room, we will take a family. We have a finished basement. We will offer to house a family for the duration, until they can get back into their home.

Can you imagine in some of the areas of this country people turning their homes open to total strangers for a period of time that is anything but certain, but could literally run weeks, if not more than a month? Well, that is what happened in great number in North Dakota. As a result, the number of people having to spend the entire duration of the evacuation period in that Air Force base has now dropped to under 300 as people find more comfortable shelter with friends, relatives, or these wonderful volunteers taking total strangers into their homes and into their families.

The mayor, I believe, put in perspective what has happened to Grand Forks. She said, we have suffered a disaster. Our hearts are broken, but we will get through this. It could be worse. Property, as difficult as it is to lose precious, lifelong possessions, can be replaced, homes can be rebuilt. But to date, we have come through this disaster without a single loss of life, and life is truly irreplaceable. That record held and held again today in Grand Forks, and let us all hope and pray that that continues to be the case, and we will avoid the ultimate disaster, loss of life, in this flood.

Well, where do we go from here? I will tell my colleagues where we go. We pull together and we build back. The local support has, as I mentioned, been absolutely amazing. And what North Dakotans have seen I think to their amazement over the last several days is the extent of national support

that has been extended. There are innumerable stories I could tell my colleagues, corporate and individuals from across the country reaching out and assisting. AT&T put free phone lines immediately into that shelter, for example. Life USA Today Insurance Co. called me in my office yesterday and said, how can we help? Can we send cash, can we send people up and help clean out? Anything we can do, let us know. The AFL-CIO has contacted me and said, we want to help. We have people that lost everything they have. Do you have ways you could suggest we can help? Money or trade skills as we build back?

I think, making it real personal, something happened in my office this morning that took me by surprise and was incredibly special to me. I saw a fellow I had not seen before, a boy with him. I figured maybe they were from North Dakota visiting the Nation's Capital. But no, they are people that live in the area, and the 7-year-old wrote this note that he wanted me to share with the people of Grand Forks. To the children of Grand Forks:

My family and I survived Hurricane Andrew 5 years ago in Florida, and I know that all of you will triumph over these floods of 1997. Accept these small gifts, and good luck to all of you. Peter Boyce, 7 years old, Jamie Elementary School.

Well, Peter, his father went on to explain, insisted that they pull together some bottled water, took the canned goods they could spare, and they brought them up, two boxes full. And I am under instruction from Peter Boyce to get those to the children of Grand Forks.

That is just a perfect example of how people have reached out. There are 1–800 numbers established, which I do not believe protocol allows me to share with you on the floor. But the Red Cross has an 800 number, and in addition there is a 1–800 number set up through FEMA, the Federal Emergency Management Agency. And any of my colleagues that might like to individually provide that kind of support demonstrated by the gesture of Peter Boyce, I would urge you to contact those numbers.

In spite of how touched we are with this national outpouring and the charitable outreach of thousands of Americans across the country, a number that I believe is going to even grow larger, we need the help of the Federal Government. I will tell my colleagues why we need the help of the Federal Government. It is kind of illustrated by a true story that occurred as the dikes were giving way. An engineer for the Corps of Engineers, a very talented woman engineer that had been there for all of the building of the dikes, she was frantically looking at her topography maps, looking for a secondary line of defense against the flooding waters. And she was crying and she said, there is no high ground, there is no high ground.

Well, unfortunately, that is the case in a figurative way with the status of the city of Grand Forks right now. There was not a part of the community left untouched, nothing to build upon. The financial community, devastated. The university, sent home. The business community, under water and then aflame. We are going to have to completely rebuild this community, and it is going to take all of our help and all of our work.

There have been some wonderful things that have occurred this week. The President came to Grand Forks, ND, and if my colleagues could only have seen what he did for the morale of the people spending the nights in the shelter. He told them: You are not in this alone. We are standing with you. And it meant an awful lot.

The President returned and within 1 day of his return sent to the Congress an amendment to the supplemental appropriations bill requesting an additional $300 million for relief in the Grand Forks area. The House Committee on Appropriations marked up this morning, a markup that convened 6 days after the dikes breached. They indicated that they also wanted to help and passed $210 million of relief on the $488 million that was in the additional relief package, bringing the total, not just for Grand Forks, but for North Dakota, Minnesota, and South Dakota, to $698 million. The chairman said it right when he announced to his committee members this morning: This is not enough. More will be required, but we are still assessing the damages, and this is a place to start.

Disasters know no partisan lines, and I am very pleased to announce on the floor this evening that Speaker GINGRICH will be visiting Grand Forks, ND, tomorrow, late afternoon, touring the devastation. The gentleman from Texas [Mr. ARMEY], the House majority leader, a North Dakota native himself, will be touring the area on Monday, all to learn more about the extent of the devastation we have experienced and to be prepared to help.

Ultimately, the Federal resources will be a critical part of our rebuilding. But even more critical than that and more fundamental than that is the tough character, the tough and resilient character and the optimism in the face of all odds of the people of North Dakota.

I would close with my comments before yielding briefly to the gentleman from South Dakota [Mr. THUNE] who in his State also has suffered a disaster, and he will tell you about it. But I want to close with this story I think reflecting the resilient character of the people of North Dakota.

As I mentioned earlier, I spent Saturday and Sunday night with the evacuees in that Air Force hangar. On Monday morning as I got up to go to the airport, it was about 5:30 in the morning, and in a hangar full of more than 2,000 people you are always going to have some people milling about. Even that early hour I noticed two women about 70 years old walking around. I went to visit with them a little. I was amazed at how good they looked. Their hair was all fixed, they were presenting themselves very, very well, especially given the fact that they were staying in a hangar and it was 5:30 in the morning. Out of my surprise I said, you look great. And one woman replied: Well, of course; some of these soldiers are really good-looking.

I think that underscores the unquenchable optimism of the people of North Dakota, and with the help of the Federal Government and with the help and prayers of the American people, we will be back and we will be back bigger and better than ever.

Mr. Speaker, I yield to my friend and colleague, a freshman Member who distinguishes himself with his conscientious service to his State of South Dakota, Mr. THUNE.

Mr. THUNE. Mr. Speaker, I want to thank my good friend and colleague from North Dakota, Mr. POMEROY. I would like to echo many of the sentiments that he has just expressed, because I too have seen what he has seen firsthand. I had the opportunity earlier this week to view the damage in Grand Forks, ND, and it truly looks like a war zone. It is a city that has been utterly decimated. As we flew over it and saw that the entire area was just engulfed and consumed in water and the burned-out buildings, it looked like a scene from a World War II movie.

□ 1830

They have a tremendous challenge ahead of them, and it is one that is going to take all of us working together to see that we get North Dakota and South Dakota back on their feet.

I never thought that I would be saying after the winter and spring we have gone through in South Dakota that we are fortunate, but in this particular case, we are. After having seen what North Dakota is going through, some of our State's problems do not seem quite as big as they once did.

Nevertheless, we have had what has been an unprecedented weather circumstance in our State. Conditions this year truly are historic in the history of the Dakotas. I, too, represent an entire State, like my neighbor to the north, and we are very geographically isolated. We are large States. We are truly accustomed and used to having adverse weather, tough circumstances and conditions to deal with. Yet, this year I think has tested that beyond the limits.

I recall an incident not too long ago, just recently in my State of South Dakota, the city of Watertown, where people were out sandbagging in 30-below wind chills and 60-mile-an-hour winds. That is the kind of season that we have had to contend with.

It is heart-wrenching when you see the stories and witness firsthand the people who have been torn from their homes. My friend, the gentleman from North Dakota, as he mentioned, has spent some time in the relief center

there, and had an opportunity to see again firsthand what people are going through and enduring, the effect, the toll it takes on families.

A few weeks back my wife and I as well had an opportunity to spend some time in the Red Cross Emergency Relief Center in Watertown, SD, and it really is one of those things that you have to experience and see firsthand to have an appreciation for what these people are going through.

I have talked with friends in my State who, as a result of April blizzards, have experienced enormous losses of livestock. It was bad enough during the blizzards during the winter, but then we got a late spring blizzard during calving season. I talked with one friend who has lost 50 calves in calving season, another who has lost 20.

I think it is very important to note that for those of us who live in States like the Dakotas, that is our livelihood. We have an incredible challenge ahead of us to rebuild and to start to recover. Our economies are so dependent upon agriculture, and the cattle losses that we have experienced and much of the crop damage that is going to be caused as a result of not being able to get in the fields and plant, we are going to have a very, I think, difficult task ahead of us. We are going to need help.

That is why it is so important that we work together. We appreciate very much the response we have seen from those at the Federal level, the President visiting North Dakota this last week, and again, the Speaker coming out tomorrow to see North Dakota. The various Federal agencies have responded in a very quick and immediate way, and we want to credit them for the help they have given, and look to them again for assistance.

I think, again, the thing that I would note from all this, and we have seen an historic response, I think, from the Federal Government, we have also witnessed incredible examples of people working together. We have seen tremendous leadership at the local level; the mayor of Grand Forks, the mayor of Watertown, who have stepped up and led. Also our Governors in the States have helped take precautions so we have not lost lives.

We are very blessed, I think, not to have lost lives in this. But there was an incredible, tremendous toll on property, people putting their lives back together. But people have come together and worked the very best in the human spirit, we have witnessed that firsthand. It really speaks well I think to the pioneer, frontier spirit that the people in our State have. Their spirits have been bent but they have not been broken, and we will rebound. We will get back on our feet.

I can recall, again, going back in our history in 1972 with the flood in Rapid City that decimated the entire city, and the rebuilding effort that has been going forward there. It is now an economic wonder. It has become a great model for cities around the country. The economy is performing well. So Grand Forks I think as well will come back, but it will be a tribute to the leadership that they have there, and again, to the will and spirit of the people in that community and throughout our entire State.

It is a work in progress. We have much that remains to be done. We are very appreciative of the great effort that has been put forward by the administration, the various Federal agencies, our State governments, our local governments, and individuals who have stepped up and been willing to make the sacrifices that are necessary to help our States and some of these communities get back on their feet.

I look forward to working with my colleague, the gentleman from North Dakota, and other members of our delegation in our respective States, and Minnesota as well, and in the Senate, and working with our Governors and the various Federal agencies and through the appropriations process to bring the type of relief and assistance that is necessary.

I think we all realize these are difficult times fiscally, and we have to do these things in a very responsible way. Yet, we also have to recognize that these are truly conditions that have put people in a position where there are things they can do, but others that are just beyond their control. We are going to have to step in and help.

I appreciate my friend, the gentleman from North Dakota, for yielding to me.

Mr. POMEROY. Reclaiming my time, Mr. Speaker, I thank the gentleman for his remarks.

Mr. Speaker, this is a floor that sees an awful lot of tough, partisan debate. I think it is very important that our colleagues see tonight that when it really matters, when it is really on the line, like it is for the people that we represent in the context of this disaster, this is a body that can, in a very bipartisan way, step up to the plate and reflect, really, what the American people are thinking, a desire to provide help for people who need help.

Mr. Speaker, there is another North Dakota native in this House. I mentioned earlier that the majority leader is a native of North Dakota. So is the gentleman from Minnesota, JIM RAMSTAD, who very capably represents Minnesota and the Minneapolis area, specifically.

He has been absolutely more genuine and more sincere in his offer of support, just as sincere as he could be. I appreciate all he has done for us already, and look forward to his continued help as we try to get the disaster assistance put into place.

Mr. RAMSTAD. Mr. Speaker, I thank the gentleman for yielding to me. I also want to thank my friend, the gentleman from North Dakota, EARL POMEROY, and recognize his efforts; the gentleman from Minnesota, COLLIN PETERSON, who represents the Seventh District; our colleague, the gentleman from South Dakota, JOHN THUNE; the gentleman from Minnesota, GIL GUTKNECHT, who is from southern Minnesota. For you people, your districts have been most directly impacted by the horrible floods of 1997, and they all have represented their people so well at the time of their greatest need.

I also have never been more proud of the people I represent in the Twin Cities suburban Third District. They have also been there, and they are there, they are going to remain there in support of our friends in North Dakota and South Dakota.

Last weekend there were sandbagging operations around the clock at a correctional facility in Hennepin County there, with inmates working hand in hand with high school students, and 500 people from the Mormon Church and other churches; volunteers coming out to help sandbag and send the sandbags up north; food banks, many food banks helping. There is one I am familiar with, Lake Country Food Bank, Hy Rosen, the executive director. Right now as we speak, I talked to him earlier today, they are loading eight or nine semis of dry food to send up to people in need;

The churches, sending choirs to cheer up the people in these flood-devastated areas;

The schools, young schoolchildren, trying to cheer up other young people who have been so devastated;

Families pitching in, corporations.

My colleague, the gentleman from South Dakota, mentioned several corporations. Northwest Airlines offered free transportation to get emergency supplies up. The State bar association, I know the 16 law firms, major firms in Grand Forks, were wiped out, 8 by the fire, 8 by the flood; everything destroyed, all their books, records, wiped out. Cheryl Ramstad Voss, who happens to be my sister and president-elect of the State bar, she has assembled a group tomorrow in the afternoon of the 50 big law firms in the Twin Cities to get together and help jump start those firms.

The Governors have been tremendous. The National Guard, General Andreotti in Minnesota, the Salvation Army has been there. Also I want to thank FEMA Director James Lee Witt, Jim Franklin, who is the emergency management director in Minnesota, and the local officials; the mayors as well.

Mr. Speaker, I do not want to take all my 5 minutes, I know there are other speakers. But I just want to conclude by saying that I strongly support the President's call for a $488 million Federal relief package. One-half is emergency dollars which the President has already committed during his visit, and $200 million of it depends on a special appropriation from us here in Congress.

We need to continue to work together in a bipartisan way over the next week or two to finish the job of

getting this relief money to those people who so desperately, desperately need it.

I know the gentleman from Louisiana [Mr. LIVINGSTON] from the Committee on Appropriations said yesterday that he expects strong bipartisan support and quick action, and the people of those devastated areas certainly deserve nothing less.

I am also, in conclusion, grateful to the Speaker. I know the gentleman invited him to tour the area to see firsthand how bad it is. I appreciate the invitation to go along with the Speaker. My favorite cousins had to evacuate their homes in Grand Forks. In fact, their daughter and her husband and little baby do not know what they have to come back to. It is in the area that is hard hit. We do not know for sure at this time. But I know the Speaker has made a commitment to support whatever is necessary to get this flood-ravaged area repaired and restored, and to help the people in the short term as well.

We will be there with the full cost of emergency rescue and cleanup. We will be there for the permanent repair and restoration of facilities, as well as the short-term assistance, the disaster unemployment relief, the disaster food stamps. Then, over the longer term, we will be there with a Federal task force; a Marshall plan, as the President called it, for flood-ravaged areas.

I thank my friend, the gentleman from North Dakota for yielding to me, and for the tremendous job that he has done in serving his people well.

Mr. POMEROY. Mr. Speaker, I thank the gentleman for his remarks. The majority leader, the gentleman from Texas [Mr. ARMEY], said when it comes to disasters, once a North Dakotan, always a North Dakotan. The Congressman, although so capably representing Minnesota, has certainly shown with the depths of his concern and the sincerity of the energy behind his effort to do something to help that that is true for him as well.

Mr. Speaker, this concludes the portion of our discussion about the Grand Forks, ND disaster and the disaster that has impacted our entire area. I do ask for Members' support and prayers. Mr. Speaker, I yield back the balance of my time.

TRIBUTE TO JAMES FARMER, CIVIL RIGHTS FREEDOM FIGHTER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Georgia [Mr. LEWIS] is recognized for the remaining 18 minutes of the hour of the gentleman from North Dakota [Mr. POMEROY].

GENERAL LEAVE

Mr. LEWIS of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order today.

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

There was no objection.

Mr. LEWIS of Georgia. Mr. Speaker I rise to pay tribute to one of the last of a special breed of freedom fighters, James Farmer. His voice has been strong and reliable; his leadership, invaluable. However, James Farmer has never sought the limelight. In the course of history and fate, he has not been given his due. We owe it to ourselves and to the unborn generations to stop and pay tribute to this great man, and that is why we are here tonight, Mr. Speaker.

Mr. Speaker, I yield to the gentlewoman from the District of Columbia, ELEANOR HOLMES NORTON.

Ms. NORTON. Mr. Speaker, I thank the gentleman for his great generosity in yielding to me. First, in light of some unavoidable scheduling difficulties, I will be brief, but I believe I had to come forward, because, Mr. Speaker, I was in the nonviolent army of Jim Farmer, and if I may say so, in the nonviolent army where one of the commanders was the gentleman who has the remaining period, the gentleman from Georgia [Mr. LEWIS].

He and I, because we were in that army, needed to come forward to pay tribute to a man who, as the gentleman from Georgia has said, many in America do not know, but who everybody knew in the 1960's when he led the nonviolent marches, and encouraged Americans to remain nonviolent in the face of what might otherwise have been temptations into violence.

The name of James Farmer is, indeed, a name that will go down in history as one of the great civil rights leaders of the 20th century. James fought the brutality of racism through nonviolent means, making him one of the Nation's most recognizable and influential black leaders in the 1960's.

□ 1845

In 1942, Jim Farmer and several Christian pacifists founded the Congress of Racial Equality with the goal of using nonviolent Gandhian tactics to challenge American racism. Under his leadership, the Congress of Racial Equality, or CORE as it became called, began a campaign of sit-ins which successfully ended discrimination in two Chicago restaurants in 1947. Later he would be appointed the executive director of CORE, and in 1961 his group would initiate the famous freedom rides throughout the Deep South. The gentleman from Georgia will tell you all about those rides.

Like Martin Luther King, Jr., Roy Wilkins, Whitney Young, and other courageous black men of the early civil rights movement, Jim Farmer was no stranger to the danger of organizing nonviolent demonstrations in the tumultuous South of the 1960's. Jim Farmer literally put his life on the line more than once in the struggle for civil rights. In 1963, outside the town of Plaquemine, LA, a mob of State troopers hunted for him after he organized nonviolent demonstrations. He said and I am quoting him: ''I was meant to die that night, they were kicking open doors, beating up blacks in the streets, interrogating them with electric cattle prods.'' And remarkably, Jim made his escape by playing dead in the back of a hearse which carried him along back roads out of town.

This articulate and charismatic leader continued to spread the method of nonviolent demonstrations throughout the country. Under his direction, CORE organized voter registration and civil protests like the 1964 demonstration at the New York World's Fair to protest black conditions in that city. In 1966, Jim Farmer resigned from CORE and a leadership role and went on to continue his work in civil rights in other ways. As president of the Center for Community Action, he championed adult literacy. His service with the Department of Health, Education and Welfare was noteworthy for programs increasing black employment in the agency under President Richard Nixon. Later he would direct the Council on Minority Planning and Strategy here in Washington.

The gentleman from Georgia, several other Members of Congress and I have written the President to ask that the Medal of Freedom be awarded to this great American who was among the class of the great civil rights leaders of the 1960's. He is, Mr. Speaker, today blind. He has lost the use of both of his legs. And yet with the indomitable determination for which he was known in his younger years, he continues as a distinguished professor of history and American studies at Mary Washington College in Fredericksburg, VA.

This is a very distinguished American. He helped originate the nonviolent approach that saved our country from race war. One of the originators of this approach among the young people, I must say, Mr. Speaker, was the gentleman from Georgia, who perhaps more than any man in America suffered physically for his commitment to nonviolence. But he would be the first to note his gratitude to a man who was his senior and the leader of us all because we were young whippersnappers learning from the likes of Jim Farmer.

Few if any countries have solved so serious a problem, so deep a problem as American racism nonviolently. Martin Luther King, Jr., was not the only apostle of nonviolent resistance and peaceful approaches to breaking down racial barriers. He is only the best known. One of the very best known of course continues to serve in this Congress, and that is the gentleman from Georgia. But the fact is that in these days, when we decry violence in our country, we would do well to look to the leadership of those who were willing to die for nonviolent change.

The moment of civil rights triumph may be a distant memory to some.

After all, we are a generation removed, but certain ideas never lose their currency and one of those ideas is equality. Another of those ideas is racial harmony. And Jim Farmer stood proudly for both and would stand proudly for both today. The President of the United States, Mr. Speaker, has said that race relations is one of the priorities of his second term and well it might be.

Mr. Speaker, we ought to be worried about race relations in our country today, so many of us are comfortable, the smaller the group. The fact is that when the gentleman from Georgia and I were young troops in the nonviolent armies of the South, I think it fair to say that there was greater communication often across racial lines than there is today. We are not nostalgic about the past, but there are some parts of the past that I would like to recall. One way to recall and to pay a debt the country owes is for President Clinton to award the Medal of Freedom to an American hero, a man who suffered for it, a man who stood on principle and a man who taught America that its gravest social problem could be solved and could be solved nonviolently.

The life of Jim Farmer recalls us to first principles, brotherhood and sisterhood, if you will, racial equality and racial and ethnic harmony. These are great American principles. They have had their ups and they have had their downs, but they are and must remain with us in perpetuity. I thank the gentleman from Georgia for his great generosity in yielding to me.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank the gentlewoman from the District of Columbia [Ms. NORTON] for those very moving words. We are grateful for her leadership, for coming here tonight to recognize Jim Farmer.

Mr. Speaker, we really did not hear a lot about nonviolence as a part of the early civil rights movement until the Montgomery bus boycott in 1955. But that was actually almost 15 years after the use of Gandhian principles in the struggle for civil rights. Jim Farmer, this brave warrior, did it first.

When Jim Farmer graduated from the School of Theology at Howard University in 1941, he went to work for a pacifist organization in Chicago, the Fellowship of Reconciliation. Farmer had been studying the nonviolent techniques and teaching of Gandhi. He marveled at the success of Gandhi's 1930 salt march to the sea. He suggested to the Fellowship of Reconciliation that they find ways to use Gandhi techniques, civil disobedience, direct action, and nonviolence in the battle against segregation. The Fellowship of Reconciliation, better known as FOR, did not take his suggestion. It did not attempt to discourage him but said that it would not sponsor such activity at that time. So Jim enlisted some of his friends, an interracial group, mostly graduate students at the University of Chicago, and they founded what they called CORE, the Congress of Racial Equality.

One evening after a CORE meeting, Jim and a white friend stopped by the Jack Spratt Coffee Shop. Farmer wanted to order a doughnut. He was told that he could not be served. Farmer told the waiter that he was violating State law by refusing to serve him. The waiter said, fine, that doughnut will be $1. The usual selling price was 5 cents.

The next day Farmer came back with about 20 of his friends. The whites in the group were served; the blacks were not. But no one would eat until everyone was served. They very calmly explained that it would be rude to do otherwise. The result was that they all ended up sitting there all day.

For 3 or 4 days they came back to Jack Spratt Coffee Shop first thing in the morning and tied up almost every seat for almost all of the day. It did not take Jack Spratt long to give in and serve everyone. Farmer sent them a nice letter thanking them for changing their policy. This was our Nation's first nonviolent sit-in. That was April 1942, 55 years ago this month.

Gandhi's technique of civil disobedience, direct action, and nonviolence has worked. Jim Farmer was right. Fifty years ago, in 1947, Farmer led CORE members in a challenge to the practice of segregated seating on buses traveling interstate. The U.S. Supreme Court had ruled the year before that blacks could not be forced to ride in the back of the bus. On what he called the journey of reconciliation, they traveled through Maryland, Virginia, North Carolina, and West Virginia. Some members of that group included Bayard Rustin. Three were arrested and they served 30 days on a chain gang in North Carolina for having violated local segregation laws. But in 1961, Farmer organized the Freedom Ride. He came here to Washington on May 1, 1961; 13 of us, 7 whites and 6 blacks, Farmer, like myself, who was one of the original freedom riders. In May 1961, we left Washington, DC to travel throughout the South.

Some of us pretended during those workshops to be white and some said horrible things and beat others of us up. We discussed what we could expect on the freedom ride. We resisted violence. We practiced being nonviolent. We prayed. We prepared ourselves for the worst. Three days later, we set out on the Freedom Ride on May 4, 1961.

Officials in the southern States knew we were coming. Jim had sent them letters in advance. Virginia and North Carolina took down their white-only and colored-only signs that had been hanging in the bus station. We had no problem there. South Carolina was a different story. When we arrived in a little town called Rock Hill, there were young men waiting for us. They would not allow us to enter the waiting room. I explained to them my rights under a Supreme Court decision and they clubbed each one of us.

But Farmer had trained us well. My eyes, like others', were on the prize. Nothing could stop me or the others. We were on a mission.

When we got to Birmingham, Bull Connor, the chief of police, had his officers put newspapers on the bus windows so that we could not see out. When we arrived on the scene, he ordered the troopers to take us into protective custody. They put us in jail where we stayed until the next day.

We went on a hunger strike. You see, that was one of the techniques of nonviolence Jim Farmer had taught us. The media attention would be focused on our hunger strike, and Bull Connor would not want to risk our getting sick or starving on his watch. By going on a hunger strike, we were going to force Bull Connor to change his behavior, to change whatever plans he may have had for us and treat us differently than he may have otherwise. It worked.

But the next day, Bull Connor drove us 150 miles to the State line and told us to get out. We walked and walked until we found a black couple that took us in and fed us. We called fellow students in Nashville, and they came to pick us up and took us back to Birmingham to resume the ride. I guess Bull Connor must have thought these young people are like fleas. We can get rid of them. But that is what Jim Farmer taught us. Go on, get under their skin.

Mr. Speaker, James Farmer, this good and decent man, taught us how to practice the philosophy and the discipline of nonviolence. Jim Farmer was one of the big six of the civil rights movement, and with each of us Jim was scheduled to speak at the March on Washington in 1963. But rather than coming to the March on Washington, he was arrested and placed in jail in a parish in Louisiana. And he stayed there with the people rather than coming to speak at the March on Washington.

Mr. Speaker, let me close tonight by saying, James Farmer is not in good health tonight. But he is still teaching at Mary Washington College where he is a distinguished professor of history and American studies. He continues to inspire his students and all those who are blessed as I was to come in contact with him, to set goals, direct action, to be creative, to have a vision, and keep the faith.

Mr. Speaker, as a nation and as a people, we are more than lucky, but we are blessed to have had this man in our midst to lead American people toward the creation of a truly beloved community, toward the creation of an interracial democracy. So we are doing the right thing here tonight, Mr. Speaker, by honoring this great man, James Farmer.

Mr. TOWNS. Mr. Speaker, 55 years ago, James Farmer had the tenacity and passion to organize and lead the first sit-in at the Jack Spratt Coffee Shop in Chicago, IL. This director of the Congress of Racial Equality [CORE] during the height of the civil rights movement is still around to tell what it was like at the helm.

Farmer's determination grew from an early incident. At the age of 3½, he learned about racism for the first time when he was denied a Coca-Cola because of the color of his skin in Holly Springs, MS. From that day forward, he was burdened with a desire to bring about racial harmony and equality.

James Farmer is the last of the ''Big Four'' civil rights movement leaders. The other three coleaders of the civil rights movement of the 1960's are not around to tell their stories and give their historical perspective on America. The Rev. Martin Luther King Jr. of the Southern Christian Leadership Conference, Roy Wilkins of the National Association for the Advancement of Colored People, and Whitney Young of the Urban League are now deceased.

However, James Farmer is still with us. Referred to as a ''young Negro aristocrat'', Farmer was born in Texas, where his father was the first black person to earn a Ph.D. degree. Today, he is 77 years old, blind and he has lost the use of both legs.

As we approach a new millennium, Americans and the world are still trying to bring about racial justice and understanding; a philosophy Farmer espoused when he began training an interracial group of 13 young people in the nonviolent techniques of Gandhi. To ensure that this history is never lost, it is fitting that Mr. James Farmer be awarded the Presidential Medal of Freedom for his meritorious contributions to our society.

Mr. SCOTT. Mr. Speaker, I rise today to add my voice to those of my colleagues in appreciation of and respect for a quiet hero, Mr. James L. Farmer. During the turbulent 1960's, he rightfully earned his place as one of the ''Big Four'' in the civil rights movement along side the other giants: Whitney Young, Roy Wilkins, and Martin Luther King, Jr. Though famous for founding the Congress for Racial Equality, James Farmer was an unassuming, modest man. For that reason, many Americans—African-American as well as white—are unaware of the invaluable contributions he made to the civil rights movement, and, even more importantly, to the fulfillment of America's underlying principles and goals for all of its citizens. We call on President Clinton to honor James Farmer by awarding him the Presidential Medal of Freedom.

Sadly, few who are familiar with photographs of James Farmer taken in the sixties when he orchestrated the first Freedom Rides would recognize him today. At 77, he is blind, suffers from severe diabetes, and has been forced to undergo several amputations. Even now, he is hospitalized, recovering from the latest operation to remove his left leg above the knee.

By where James Farmer's body may be weak, his achievements remain as strong as any man's. He continues his life-long work, teaching a popular civil rights course at Mary Washington College in my State. And the textbook for that class is his autobiography. The achievements of the civil rights movement are in large part the achievements of James Farmer. And the time is right to honor his achievements. Let him just this once feel the applause, receive the accolades, and hear the words of thanks from a grateful nation.

Mr. CLAY. Mr. Speaker, I am honored to join in paying tribute to one of our Nation's heroes in the battle for racial equality. A man of unwavering faith and steadfast devotion to his people and his Nation, James Farmer has devoted his whole life to the cause of racial harmony and individual justice. James Farmer is a man of vision who infused a generation of black Americans with the spirit and strength of nonviolent protest against the scourge of racism and injustice. Through countless contributions and endless personal sacrifices, James Farmer has played a critical role in profoundly changing the course of our Nation's history.

Mr. Speaker, I am personally grateful to Farmer for the support and inspiration he gave to me and to so many others at a critical time in the history of the civil rights movement. Farmer founded the Congress on Racial Equality. CORE was the catalyst for challenging and overcoming the entrenched segregation and racism that incarcerated black Americans and sentenced all Americans to a nation of unfulfilled promises, lost to its once cherished vision of freedom and equality. It was unfortunate that Farmer was unable to address the Great March on Washington, his remarks had to be read by someone else because he was jailed in Plaquemine, LA.

James Farmer was a founding father of the 20th century civil rights movement. In the beginning, there were only a handful who committed themselves to banishing segregation and building a colorblind nation. Although their numbers were few, their dedication was enormous. In just a few short years Farmer saw his followers grow from dozens to hundreds to thousands; under his leadership the Freedom Riders rose up and changed the direction of a nation.

Mr. Speaker, it was my privilege to have worked with CORE in the 1950's and the 1960's. It was my privilege to be among those sent to jail for our peaceful protest at the Jefferson Bank in St. Louis. And, it has been a privilege to have spent my career fighting for equal rights and social justice. James Farmer has been a source of courage and strength to me and to thousands of others. All who cherish racial harmony are grateful to James Farmer for his wisdom and guidance and devotion. James Farmer is a man of peace and good will. He will be forever appreciated and celebrated for a life service to his people and his Nation.

Mr. Speaker, I salute James Farmer and urge President Clinton to award this outstanding American the Presidential Medal of Freedom.

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DRUG ABUSE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Illinois [Mr. HASTERT] is recognized for 60 minutes.

Mr. HASTERT. Mr. Speaker, tonight I want to take some time and talk to you and the House about a very serious problem that faces this country, not only facing this country but it is facing many nations across this planet, and that is drug abuse.

Many times we see drug abuse in the guise of our children having OD's, being in the emergency room, finding problems in schools, drug gangs that are popping up across this country, especially in big cities and in towns adjoining big cities. We see the drug problem in OD's of kids in our neighborhoods, children, but it also is in corporate America, it is also in people who do work in blue collar areas.

We have worked in this country to make sure that people who fly airplanes and drive trucks and maneuver trains down the tracks certainly are drug free. We have worked hard to make sure that we have drug free workplaces in this country. And certainly the Federal Government and many, many State governments have worked to make sure their workplaces are drug free as well.

But, Mr. Speaker, I have just returned from the Second International Symposium Against Drugs in Switzerland, and what I learned there was truly disturbing. At the same time it was heartening to meet with doctors and world leaders engaged in the fight against drug abuse, drug-related crime, and international drug trafficking.

America and Europe are both under siege directly from international drug traffickers and internally from well-financed drug legalization movements. In Switzerland, legalizers give away 100 percent pure heroin, and between 300 and 5,000 needles a day, plus heroin cigarettes which Swiss legalizers claim are compassionate because these cigarettes, Mr. Speaker, do not contain tobacco.

Proponents of drug legalization are, at best, a dangerous and misguided crowd. For many it is an elaborate game, a way to retaliate against those who condemn their own drug using behavior. For others legalization is a means of achieving other ends, undermining moral values and democratic institutions, turning profits on an expanded population, creating new industries around the maintenance of addiction, and, in a few cases, even yearning to justify a tragic loss to drug abuse.

Whatever the motivation, drug legalization is wrong headed and destined to hurt those societies which indulge the instinct to experiment with the most vulnerable segments of their population, including their children.

So let us be clear about legalization, Mr. Speaker. The promoters of legalization forget the basic facts. They forget, for example, that drug use and abuse always and everywhere follows drug availability. They forget that there will always be more users trying drugs when there are more drugs to try.

This is clearly the experience of the United States. Between 1992 and 1995, the administration experimented with reduced drug interdiction. The result was more drugs inside our country and more kids trying those drugs. In 1994, there were three-quarters of a million more teenagers using drugs than in 1992, a reversal of the 1981 to 1992 downward trend in drug use.

By contrast, between 1985 and 1992, when the United States was firmly committed to halting the inflow of drugs, casual teen drug use fell dramatically. Regular drug users fell by 80

percent, from 5.8 to 1.3 million. Crack use declined from nearly a million in 1990 to just over 300,000 in 1992. And marijuana use plummeted from 22 million regular users in 1985 down to 8.5 million users in 1992, a 61 percent fall. That is what can happen when a society is serious about turning back the tide.

Legalization promoters also forget that the number of addicts invariably rises with the number of casual or experimental users. In the United States, as casual teen drugs rose after 1992, so did addiction.

Legalization advocates forget that the political leadership of a country that embraces legalization is also sending a message. I was a high school teacher for 16 years. I think I know kids. Kids are not stupid. They know if adults in their lives are giving consent or are forbidding it. They need and want limits set, even if they occasionally test those limits. And when there are no limits, they respond accordingly.

If someone is looking the other way and letting them get high or use drugs, they know it. If society legalizes dangerous drugs in any measure for those who wish to get high or are already addicted, kids get the message. Society will have put the stamp of approval on drug use. And, as the old saying goes, what is good for the goose is good for the gander. Kids know hypocrisy when they see it.

Finally, legalization promoters forget three other terrible and compelling facts: First, a drug overdose, for example, by heroin is not a simple or sterile or quick or painless event. It is a horrible, choking, suffocating event. The lungs fill with liquid in a lung edema, and the person, often a child, slowly chokes to death.

Second, they forget that there will always be a black market for drugs that are more pure than those being made legally available, and there will always be those who cannot get the drugs but want them.

Finally, the most drug-related crime is not between dealers or gangs. Most are committed by those on drugs, or so-called pharmacological crimes. Up to 70 percent of the United States' State prisons are filled with criminals who committed their crime on drugs. Legalization only increases this population.

Let me turn now to the heart of the matter: National security. This is a big area I want to discuss.

The Swiss national security is threatened by legalizers and traffickers in drugs, and so is our national security. In America, public complacency and indifference by the media are permitting drugs to erode public security, personal security, and ultimately, national security.

But we all must recognize the enormity of the threat. This threat to our society comes from the international cartels in Colombia and Mexico, who export literally hundreds of millions of tons of heroin, cocaine, crack, and marijuana annually. But the threat also comes from within.

In the United States, we have been timid about confronting it on both fronts. In the United States, we are accustomed to thinking about national security and threats to national security in traditional ways. When I say, for example, that America faces a national security threat, and we do, most people think of bombs and tanks and espionage and intercontinental ballistic missiles, maybe theater nuclear weapons. They do not think of hypodermic needles filled with 90-percent pure Burmese or Colombian heroin. They do not think of crack or LSD or THC or methamphetamine.

When I say the world's leading democracies are in the jaws of an insidious national security threat, and they are, most people think of spies and uniformed soldiers and body bags and conventional warfare. The truth is different. Often most serious threats are those that masquerade as solutions or mere distractions.

In my view, the legalization initiatives passed by California and Arizona this last election season are the Trojan horses of the 21st century. My message is that this is not a game or a harmless distraction and it certainly is not a solution. The drug cartels are sophisticated and they welcome the legalization movement.

This is a war, and the traffickers and legalizers are intentionally slipping a Trojan horse within the gates of the United States and Switzerland and other countries around the world. On the whole, we in the United States have been too complacent, we have underestimated the organizations, the power of this $40 billion annual industry. Yes, Mr. Speaker and Members of the House, I said billion with a B, $40 billion annual industry.

The power to corrupt, power to kill, the power to destroy the heart and soul of our society. We have underestimated the threat for a simple reason. Drug traffickers and promoters are not the sort of threat that we are used to responding to. They do not wear uniforms or come in battalions. Instead, they often come with stealth, in the dark, and inject society under the shroud of night.

But let us not kid ourselves. Let us go to the very heart of this. This adversary is well-financed, it is powerful, it is violent. We have had hearings in the Committee on Government Operations and Subcommittee on National Security, International Affairs, and Criminal Justice about the huge cartels in Colombia and Mexico, their far-reaching effect, that are in places as far away as Nigeria and Russia and Japan, the use of the Japanese yakuza organization and the Russian Mafia and the Nigerian drug runners across the world. Those stories are well-known.

So there is no limit to what these drug cartels are willing to do. They are well-financed, and they are powerful, and they are very, very violent. It kills more people in 1 year than died in the entire cold war. Last year, in the United States, this underrated adversary killed more than 10,000 children. Think about it, 10,000 children.

If anything else in this country threatened our children, our kids that are in schools, kids that walk the streets in numbers of 10,000, this Congress and this society would be turned upside down. But drugs have done that.

On a personal note, I come from Illinois, and my brother works in a public school in Aurora, IL. Already this school year he has buried one of his students, buried him because the student was involved in a gang and the gang was involved in drug trafficking.

In my congressional district, in one of the major cities in Aurora, IL, 6 children have already died this year from drugs and drug-related violence. Why? Because they are involved in gangs and drive-by shootings and drug overdoses. It is something that is there in somebody else's neighborhood, not in somebody else's State, but in our own backyard.

On the national level, the numbers are stark. Over the past 3 years, we have witnessed a 200 percent increase in drug use by American children, the kids between the ages of 8 and 17, our kids. The price of dangerous drugs has fallen by several magnitudes, as availability has increased. Street purities of cocaine and heroin and marijuana have all jumped to record levels, all this because we let down our guard between 1992 and 1995 and we have been slow to see the national security implications.

This year, the fourth year in a row, a national reporting system by the U.S. hospitals called DAWN showed record level emergency room admissions for cocaine, heroin, methamphetamines, and THC or marijuana. In 1995, overall drug-related emergency room episodes jumped 12 percent; cocaine-related episodes leaped 21 percent; heroin-related episodes skyrocketed 27 percent. THC or marijuana-related emergencies, as a result of purities that are up to 25 times greater than in the 1970's and the lacing of marijuana with PCP, were up 32 percent. Methamphetamine emergencies were up 35 percent.

In short, drugs are destroying young lives in record numbers. So the crisis is here. The crisis is in Switzerland. The crisis is over the face of this planet. And the crisis is real, as real as World War II, as the air battles over Britain when Winston Churchill called for his nation to respond. It is as grave as the national security threat to the generation which must follow as the threat that animated the French Resistance to act against the Nazi government.

The difference here is that this threat is insidious, it is slow growing, it is like a cancer, it grows below seemingly healthy skin. It is threatening Switzerland's future, and it is threatening our own future in this country. That is why Congress is fighting legalization and fighting to fund drug prevention and drug interdiction. We must

respond. We must see the Trojan horse that is slipping even now between our gates, and we must turn it back.

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We must recognize that drugs fund crime and dissolution of all that is best about America and Switzerland. They criminalize our banking and commercial systems. They finance terrorist groups in Russia and the Middle East and Peru and Mexico and Colombia, and they undermine the future that we wish to pass on to our children. I worry, too, that Swiss banks may not be fully on guard about drug money laundering. Even here we must do more.

In closing, I must say that we have now been to, and our committee has traveled to, the drug producing and shipping nations of Burma and Colombia and Bolivia and Peru and Panama and Mexico and certainly seen what we are up against. I traveled into the jungles where coca and poppy are grown and processed, and I think we have a mighty adversary to confront in those nations.

The first step for us is to support the drug war and drug prevention. The first step is for Switzerland's people to pass the youth-against-drugs referendum. But my hope is that we will not be misled or deceived and that we will see this national security threat for what it is and respond with a dedicated anti-drug effort in Switzerland and here in America. I especially want to congratulate VPM and Dr. Francesca Haller, as well as the AIDS-Information-Switzerland, for fighting against heroin legalization with all their hearts, and we are with you.

This problem, Mr. Speaker, is an insidious problem. It has reached down to the very heart of our society. It has reached into other societies around the world and into our commercial institutions. There are questions about banks and money laundering, because of all the efforts of people who grow illegal drugs and move them into countries such as Colombia to refine them and from Colombia move them into Mexico where drug families move them across the border and across this country and into the street corners where kids can buy them. It would never happen if we could not take the street bills, the 5- and 10- and 20- and 50-dollar bills that kids pay to drug dealers, and that money goes back to the drug cartels.

Money laundering is a problem. In Switzerland, it is even a greater problem because Swiss banks carry money and wires from all over the world. Later on I am going to borrow from an article written by a gentleman named Bob McGinnis, who talks about how Swiss banks are being implicated in moving drug money across this universe.

I yield to my good friend from Fort Wayne, IN [Mr. SOUDER], who has certainly worked with us on drug issues.

Mr. SOUDER. Mr. Speaker, I wanted to associate myself with the chairman's remarks and to congratulate him on his leadership in the committee. Last fall when the National Security Committee was winding up a 2-year effort, there was some concern whether or not this was just a political effort. In fact, we had been working on this from the time we came in to control Congress because when we saw the facts of the results on the American streets and neighborhoods and families, we backed off of our commitment against drug interdiction, we were alarmed. We spent 2 years traveling across America, traveling down to foreign nations and confronting the leaders with the fact that most of those drugs were coming across the Mexican border, being produced in the coca leaves of Peru and Bolivia, processed in the labs of Colombia, and we confronted them. We confronted the television and the movie industry in Hollywood and said and challenged them with what they were producing and what impact they were having in our home communities.

We went around the country in every region of the country looking and hearing stories, tragic stories of young children, of families being destroyed, of women being intimidated by husbands who had been beating them. As one poor lady said in Arizona, in JOHN SHADEGG's district, she said she hated to say this but she hoped that the drugs killed her husband before he killed her because he had been beating her and her daughter, she was hiding and moving from shelter to shelter because of what had happened with drugs, all of which started with marijuana.

The myth that marijuana is not dangerous, all these people said, well, we started with marijuana, we heard from kids, oh, we thought marijuana was good, but then we wanted to get higher. We heard it from gangs, from women who were being beaten, from law enforcement officials, from school administrators. We heard it across the board. There was a clear linkage. There is a dispute as to whether this is a war or a cancer. It is in fact both. It is a war in the sense it is coming at us.

People are making money, they are destroying and undermining the fabric of our country. It is also a cancer eating away at our soul internally, person by person, as we relax our standards and say well, we do not want to judge other people's behavior and so on. But that behavior has a direct impact on all of our lives.

We had a case in Fort Wayne just recently where a high school student who was high on cocaine and alcohol flipped their vehicle, hit a senior citizen, then flipped over the median on the interstate and hit two more cars, two people dead, four people injured if I recall correctly. And it was a series we have had of multiple accidents with people on drugs.

If I cannot drive on a road, if my wife cannot drive on a road without fearing that somebody is high on drugs or alcohol endangering our lives, what is freedom? If my son cannot go to school, if my daughter cannot go to college, if they are not safe when they go out on the roads at night, if they are not safe when they go shopping, if the gang wars that we have in our district, the least we have heard is 70 percent, the highest is 85 percent of all crime of every type is drug and alcohol-related. These are tragic statistics. We cannot say we are worried about crime but oh, not about marijuana. It is not a question of well, alcohol is legal. Quite frankly, if we had the statistics today and looked at alcohol, we would not legalize it. It is not a justification to legalize marijuana.

Furthermore, if we are increasingly enforcing anything on zero tolerance in the schools, it is illegal for minors to have alcohol as well and we should not use that as an excuse to back off what is true. That is why it is so tragic about what has happened in Arizona and California with this false siren of medicinal use of marijuana. If there is a component in marijuana that can relieve pain, there are multiple other ways that you can do that without having the dangerous effects of marijuana. It was a false bill of goods sold by people with a vested interest in destroying our laws against drugs, and we need to stand up to that.

I am also concerned as we watch what happened there and to hear of our chairman's efforts in Switzerland to speak out and the things he has brought here tonight and will continue to bring out, it is very disturbing to see heroin needles being distributed, the massive level of experimentation they have been doing. That the United Nations would be involved in any way in this calls into question a lot of the judgments that many of us have anyway about how the U.N. Health Organization works. The fact is that we have been through this. This is not new.

My friend, JOHN SHADEGG, has this quote, I cannot remember the original person that had the quote, that history may not repeat itself but it rhymes, and that is often the problem that we are facing here. It may not be exactly the same thing but we can see these repetitive patterns. It is as if sometimes when you drive in on the interstate in the morning, if you see somebody who has run out of gas in a tunnel, you say, ''Boy, I feel sorry for that person,'' because maybe they do not know all the information. But when you do it a second time, when you start to see the repetitive patterns, you go, do you not ever learn from history? Are there not things that are triggers and say, ''We've been there, we've done that, we don't need to do that again''?

You give heroin needles away, heroin abuse goes up. You have these different programs that are out there that supposedly are getting people off, and instead you are getting people more addicted and you are expanding it.

We have to look to the past history of this and, that is, the things that work are a combination of different

variables. One is, we have to keep the pressure on the interdiction. Even if we cannot stop all the drugs coming across the Mexican border, which we cannot, and even if we cannot stop all the drugs that are coming from Colombia to Mexico because the coasts are too long, we can put the pressure on and reverse a problem that has been happening in Fort Wayne and all over America and, that is, the price was dropping, the purity was increasing, and that was meaning the street price was easier for the kids to get, easier for adults to get, more risk to the society, and it was more potent drugs. By putting the pressure on, we not only force the pricing structure to change in this country and the purity structure and the watering down by making it more difficult for them to get their prices on the street, but we also put pressure as we heard in Peru and other places that they were starting to have the breakthroughs after the interdiction pressure went up, after President Fujimori instituted his shootdown policy if planes did not respond because the campesinos were finding that, hey, the dealers did not want to take a profit hit so they were paying them less. And all of a sudden alternative crops to coca leaves look more attractive if your pricing structure is different. So interdiction has to be a critical component. But so does education and prevention. We need to be looking just like we look at what interdiction programs are working and not working, we need to look at does this work, does this not work? What can we target in the middle schools, clearly the place where so many kids are at risk and how can we focus in on that? How can we do better prevention programs to get addicts off and focus on that? Because a lot of these things have such high recidivism rates, it is a question of how they are working but it does not mean we should not work at treatment.

Furthermore, and we all know this, ultimately in a free society there is personal responsibility. Ultimately people have to take more and more responsibility for their own lives. Families need to be engaged. Churches need to be engaged. Individual teachers and others who can be an influence on kids where they may not have the family structure or have the means or anybody taking them to a church. As this country, we need to change this, because it is tearing us at the core like a cancer and it is a war coming at us more dangerous than any other war as the chairman clearly demonstrated in his statistics. We cannot say, ''Oh, I'm bored with this drug problem, I've heard this before, can't you talk about something else?'' It is not going to go away. It is going to be there. It is a constant battle because evil will be there. The struggles that everybody goes through, the temptation to try to cop out of your problems by getting high is a human temptation. But this is an insidious one. It is not a freedom of yourself to practice something. It is a danger that when you smoke pot, when you take heroin, when you take cocaine, when you get drunk, you endanger other people. I thank the chairman.

Mr. HASTERT. I thank the gentleman from Indiana. It is interesting, you can imagine my shock and chagrin when I went to a place that I had visited 25, 30 years ago, Zurich, Switzerland which at that time it was a pristine city on a beautiful lake shore. Today that city is not so pristine. There are addicts in the train stations, there are addicts off in the alleyways. The city at one time just recently gave away 15,000 free needles for heroin use a day. Today if you declare yourself as an addict in Switzerland, you have a pension granted to you of 2,500 Swiss francs, and it is 1.4 Swiss francs to the dollar. If you have a dog, you get another 500 Swiss francs. If you have a wife, you get another 2,500 Swiss francs. If you have a child you get another 350 Swiss francs. So you can have a pension, declare yourself an addict, have a pension of about $4,000 a month and live and get free heroin. What kind of a message does that send to the rest of Europe? What kind of a message does that send to the world? What kind of a message do our kids get from that country? We have enough problems. We do not have to just point to Switzerland. We have enough problems here. But we cannot afford to let countries who have traditionally been our allies slip into this type of morass.

Mr. Speaker, I yield to the gentleman from Florida [Mr. MICA] who has been one of the stalwarts in the fight against drugs, both in this country and trying in interdiction abroad.

Mr. MICA. I want to thank the gentleman from Illinois, chairman of the Subcommittee on National Security, International Affairs, and Criminal Justice of the Committee on Government Reform and Oversight. I want to take a moment and particularly thank him for his leadership. I remember last week we had a discussion on the floor about the progress of this session of Congress and one of my colleagues said, well, what have you done about drugs on this side of the aisle, commenting to us, and that we had not done enough. I had to remind the gentleman that just in the few months of this session under the leadership of the chairman, the gentleman from Illinois, we have held more hearings than were held in the entire first Congress when I came from 1993 to 1994, my first term, that the leadership that Chairman HASTERT has provided is unprecedented. He has had before his subcommittee that oversees national drug policy just in the past few months the drug czar for very lengthy, in fact many hours of questioning not only in formal hearings but numerous meetings, countless meetings and work and cooperation with the drug czar. With this administration, he has had the Director and Administrator of DEA before the committee, very lengthy discussions, hearings. Another member and leader of this issue is the gentleman from Ohio [Mr. PORTMAN], who has had legislation to bring together the efforts of local government, community-based organizations that are combating illicit drugs and drug abuse and working to promote prevention and education in our communities.

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He has had hearings already on his legislation, and his proposal and funding of that proposal that is probably the most effective way of combating drugs with those successful community-based programs, not to mention other work.

My colleague, the gentleman from Florida [Mr. MCCOLLUM], who chairs the Subcommittee on Crime of the Committee on the Judiciary held a hearing recently in San Juan Harbor. Our subcommittee, under Chairman ZELIFF, who chaired the subcommittee last year, held a similar hearing. We were trying to put Humpty-Dumpty back together again.

The programs of interdiction, the programs of enforcement, the programs of military cooperation, the involvement of our Coast Guard, the whole picture was destroyed in 2 years when the other body took office, other party took office, the executive office, and then controlled both the House and the other body, and we have seen the results of it.

And I have a selfish interest in this. I have children. I come from central Florida, a beautiful area, and I held up in the last year this headline from the Orlando Sentinel: ''Long Out of Sight, Heroin is Back Killing Teens.'' Central Florida, tranquil, prosperous area; we are not talking about ghettos or urban settings of Los Angeles, New York, Detroit. We are talking about peaceful, central Florida where heroin is epidemic, where our children are literally dying in the streets, and under the leadership of Chairman ZELIFF and others who are here tonight came into our community last fall and held an intensive hearing, and helping us get back on track.

Then the problem has not stopped, and the problem continues, and this is last week's Orlando Sentinel article: ''Orlando No. 2 in Cocaine Deaths.'' This is just last week. One thousand eleven people died, up 7 percent in Florida, from cocaine; over a thousand potentially useful children, fathers, mothers, their lives destroyed because of what is going on. And part of this does relate back to this policy of just say maybe.

I am very concerned about what I have heard, what the chairman has outlined tonight, this policy that we have seen in Switzerland of just say try it.

Now we have an administration in this country that appointed a national health officer, the Surgeon General, Jocelyn Elders, who said just say

maybe, and we see where it has gotten us today with epidemic use of heroin, cocaine, methamphetamines, designer drugs with our youth, and now we have a good example that the chairman has brought before the Congress tonight, a very bad thing that happened in another country when the Swiss Government, in fact, said just say try it, and they tried it, and the result is a disaster.

So there are those now that want to legalize drugs that say this is the panacea, and we see the experience of this country, and it is not a Third World country. It is Switzerland, a very sophisticated country, very sophisticated economic system, and we are not talking again about just urban problems, but they have tried it, it does not work, and their people are demanding a referendum, and the referendum is called Youth Without Drugs, and they intend to repeal this government policy.

So those who would like to say just say maybe, or just say try it, we have a great example of a bad reaction to a program that did in fact fail.

Now it is easy to come and to criticize what has been done, and we make no bones that we are not pleased with what happened in the first 2 years of the past administration here. But what have we done? And let me tell you when the new majority took this responsibility on, that the current Chair, the gentleman from Illinois [Mr. HASTERT], was appointed by the leadership to direct a House-wide effort to coordinate all the resources of the House of Representatives and the various committees of jurisdiction to again put Humpty-Dumpty back together again to make certain that interdiction was restored, to make certain that our military and our Coast Guard had the capability to become involved, to make certain that the eradication programs and these source countries were restored, to make certain that treatment programs were not just spending a great deal of money but we were concentrating on putting the money into effective treatment programs. And then education, which is so important, that other part of this four-legged stool, that that in fact also be properly funded and addressed, and the programs that are a success that had the support of this Congress.

So the Speaker of the House of Representatives appointed Mr. HASTERT. Now we are privileged to have him chair this Oversight and Investigation Subcommittee, national security, international affairs, criminal justice, that has authority over our drug policy, and each of the elements have in fact been restored. He has fought to get the funds back so that the military can become involved in this. He has restored the cuts. The first thing President Clinton did was cut the drug czar's office and staff and capability, and he has worked to restore that office. He has worked to bring the Coast Guard back into the action on some of the heroin that is coming into this country. He worked to bring to the floor the first decertification measure ever heard in the House of Representatives or ever passed by the House of Representatives.

So he has helped to put Humpty-Dumpty back together again, and he brings to the floor tonight, to the attention, Mr. Speaker, of you and our colleagues a great example of a bad experiment, and that was to just say try it, to just legalize drugs. Switzerland tried it, it is a disaster. We do not need to be listening to those voices.

So again, Mr. Speaker, I salute the gentleman on what he has done and the leadership he has brought to this issue and to our Congress. He has done a remarkable job.

Mr. HASTERT. I thank the gentleman. One of the things that he was remiss in saying was that he was a sponsor of a bill that said we need to look at what is happening between our country and another country, a close neighbor, Mexico. He and a colleague from Florida, [Mr. SHAW], sponsored a very tough piece of legislation, and we are not done with that yet. So we really appreciate his efforts and his strong antidrug stance.

At this time I yield again to the gentleman from Indiana [Mr. SOUDER].

Mr. SOUDER. I wanted to again point out that this is not something new.

Interesting historical footnote: My first job here in Washington was Republican staff director of the Children Family Committee in Washington, and when the gentleman from Illinois [Mr. HASTERT], who had been involved in Illinois with human services issues like this, came and we worked together there, we were already focusing on alcohol abuse, on crack babies being abandoned in hospitals. The gentleman from Florida [Mr. MICA] who was a chief of staff here in Washington worked with a lot in drafting the original antidrug legislation through the 1980's in the U.S. Senate. This has been a longtime commitment, and we cannot back off as Americans.

And what is so frustrating when we hear these stories like in Switzerland is do we not learn anything? When you were saying that behavior was in effect being rewarded, what one thing we have learned over and over in our country, and I say this as somebody who has a German background and partly Swiss and who always looked at the Swiss as an international model. To hear this type of thing is so disturbing. We have seen it with gangs. If you say you are going to get such and such, what you get is more kids joining gangs to get the things. If you give benefits to things, people come and abuse it more. You do not get them off.

And I hope you will share more on some of those articles, but this is very disturbing that a country that has been held up as an example and held up in my family and our heritage and in our region and also in the whole world, I think this is really important that American companies help put the pressure on this, too, because it is a disturbing international trend, and I would hope that they can learn from some of our experiences here.

Mr. HASTERT. I would hope so, and I hope that they learn from our good experiences. But you are right on target. You know we have about 36, almost $37 billion of Swiss investment in the United States so we are dealing with Swiss companies day in and day out, and we probably ought to send a message.

You know, it is not everybody has been coopted in Switzerland by this. I worked with a woman by the name of Dr. Francesca Haller who had led this group, and it is called Youth Against Drugs. They have an initiative that they are trying to move in the Swiss legislature, the Swiss Parliament, even as we speak, and they hope that this referendum comes sometime in September or October, that time period, but they have 140-some thousand people who signed this petition saying: ''You know, we don't want drugs in our country. We're going to fight to stop drugs.''

But it is amazing, it is just absolutely amazing that, you know, there is three languages that are spoken in Switzerland, and the German-speaking newspapers have been for liberalization, and liberalization is a code word for legalization of drugs, and there has been a lot of suspicion that the people who serve on those boards of directors of newspapers are also boards of directors of the Swiss banks, Swiss banks that we have always held up as being the epitome of solid issues until of course the Nazi gold issue came forward. And now we know that Swiss banks harbored millions of dollars of drug money that came from Mexico and was in the account of a fellow by the name of Salinas that we have heard of before; and there is a real suspicion out there that the Swiss banks are pushing the Swiss newspapers, the German-speaking newspapers, to legalize drugs so that they can be the holders and the movers of illegal drug money. And if that comes and happens, it is just not a Swiss problem, it is not only an American problem, but it is a huge international problem, and I think that is something that we have to be very, very cautious against, we have to make sure that that does not happen, and it is just a huge thing that the world financial system has a possibility of getting embroiled in.

And as I said before, the ability to move money from country to country is the whole key to drug narco-traffickers being able to move their products from South America to the United States, from South America to Europe, from Asia and Thailand and Burma and India, you know, to Turkey, to Europe. All these things have these huge interconnections, and the drug trafficking is only the other side of the coin from the whole issue of being able to move money or drug laundering.

The gentleman from Florida.

Mr. MICA. If the gentleman will yield, I was quite shocked about this Swiss experiment, and I have also been a harsh critic of the lax attitude by both our President and this administration on the question of even a casual drug use, and that is not only translated into what our kids have heard in our country, but I was stunned to find out and get a copy of a billboard which is in downtown Zurich, Switzerland.

I do not know if my colleagues and the Speaker can see it, but this billboard in downtown Zurich says in German, and I will translate it; it says ''Bill Clinton used one marijuana joint, and look, he's not a junkie. What's the big deal?''

And this is the kind of justification and commentary that was used to support this legalization effort in Switzerland in billboards, and here's a copy of one in Zurich, and I think that that is a sad commentary, and this program again has been such a failure that the Swiss are demanding that it be repealed. But when we have the leader of our administration sending the wrong signals by appointing a chief health officer, by saying that he might inhale, and then this is translated into support for a program in another country that is used for justification of legalization, we have the big problem.

So they have tried it, it does not work. Their countrymen are asking for this to be, for this program to be repealed, and we see a bad example that should not be repeated in this country.

The other thing, too, is the lax attitude is really creating even more problems in this country. There is a report just released by the Partnership for a Drug-free America and these statistics are startling.

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There are key findings of 9- to 12-year-olds. They found in this Partnership Study that more teenagers are using drugs. In 1996, last year, one in four children was offered drugs. That is 24 percent of the 9- to 12-year-olds in 1996 compared to 19 percent in 1993.

Trial use of marijuana last year increased among children from 2 to 4 percent. It is an increase of approximately 230,000 children experimenting in 1995 to 460,000 children experimenting in 1996. Eight percent of sixth graders had experimented with marijuana and 23 percent of seventh graders and 33 percent of eighth graders reported trying drugs. Only 29 percent of parents of children age 9 to 12 are talking to their kids about drugs, and fewer children are receiving information about the dangers of drugs.

So what we have done is put drugs on the back burner. We have not sent the right message. In fact, we have sent the wrong message, not only to our children, but now overseas, and we see the results and its tragic consequence in our youth population.

Mr. HASTERT. Mr. Speaker, my colleague was talking about schools. The gentleman would be interested to know, my weekend in Switzerland and during that period I gave about three workshops and a major speech, and some interviews. I talked to one Swiss school teacher who taught in a grade school, public grade school. She lost her job for warning her students against heroin use after one of her students died from an overdose.

My colleagues can imagine the pressure that school boards are under as a result of this liberalization, when a teacher is fired who warns her students not to use drugs after one of their classmates died, and this is an insidious thing and it is happening right now.

One of the things that we have to look at, Mr. Speaker, and certainly my colleagues, if we do not agree with heroin legalization, and I have to say we talked about what happened in California on the legalization of marijuana for glaucoma and pain relief. Our friends in Arizona also passed legislation. The Arizona Legislature just turned that around, much to their credit.

But we can say something. I would say if we do not agree with heroin legalization, if we think that administering to thousands of young people this ability for them to get marijuana, using propaganda like the gentleman used, certainly is not a great credit to our country or to Switzerland.

I recommend that probably the Speaker and our colleagues, we ought to call the Ambassador, Alfred Defago, at the Embassy of Switzerland, right here in the United States, right here in Washington, if we believe that the Swiss companies, who have had the privilege of doing business in the United States, would know that we disapprove of heroin legalization. We expect them to speak out, too. They should speak out in this country and in Switzerland.

The laws that these companies have to live under here where we have drug protection for workers and people who buy the products that these workers make, they do not exist in Switzerland, because the Swiss have not signed an agreement with the European Union, and they have not signed an agreement for the other European communities such as Holland and Sweden, who have had to virtually clean up their act because of this cooperation between European nations.

Switzerland is completely independent, and the newspapers in Switzerland called the people who were trying to change the drug policy and push this issue of Youth Against Drugs, they called them just insidious names such as psycho gangs, because they were psychologists and doctors that are trying to change this situation.

I think Swiss companies who have had the privilege of doing business here need to hear it from American citizens who buy their products. Some of the Swiss companies that are involved are right here doing business in the United States.

For instance, Asea Brown Boveri in Virginia and Indiana and North Carolina; New Jersey, Florida, and Ohio. ABB should be asked to publicly oppose heroin legalization if they are going to continue to do business in America.

Mr. Speaker and my colleagues, let me add that a few other Swiss companies that do business in America should be asked to stand up and oppose heroin legalization in Switzerland. AGIE USA in North Carolina; Swiss Alamo Cement Co. in San Antonio, Texas; and ASA Aerospace Company in New York; and the ASCOM Holding Company in Connecticut; all of those companies are doing business here and they have an influence back home.

The relationship between the United States and Switzerland is very close. We ought to stand up and say, no, in this country. They ought to stand up and say, no, in their own home country of Switzerland.

Mr. SOUDER. Mr. Speaker, I wanted to reinforce that point as we look at the heroin problem and what can become a rogue nation when one nation starts to legalize heroin and how it can move. I know you have been in Asia and I was in Thailand as well, and in the Golden Triangle area much of the heroin goes through. There is a concern, for example, in our agencies over there that as most likely normalization occurs with Vietnam, that the heroin could move down and move out of there.

Would it not be ironic with some of our slowdown in working with Vietnam, that we are concerned about how tourism might bring drugs in, but if we see these types of things happening in countries like Switzerland, we have to look at our relationships of how it goes over and comes back.

This is a critical international issue. Nigeria has turned into a rogue agency that I hear a lot about, and I appeal to a lot of my fellow Hoosiers. As I said, I am not Swiss bashing, I am part Swiss. Mostly German, part Swiss. In my district, Bern, for example, where I annually go for Swiss days, we have a lot of Anabaptists who are predominantly of Swiss and German background.

Here is something that you can do. Contact these companies. Ciba-Geigy is a very big company. We need to keep the pressure on some of these big companies. None of us can be accused of not keeping the pressure on here in America. We have an international stake in this, too.

I commend the gentleman and want to reinforce contacting these different companies. In Indiana, ABB is a direct company with involvement in Indiana. We just need to keep the pressure on. They are not necessarily hostile at this point, but we need to move on it.

Mr. HASTERT. Mr. Speaker, in Minnesota, our Members from Minnesota might consider calling the Brudier Co. and tell them to take a stand in favor of Youth Against Drugs in Switzerland. We talked about our tourist trade.

Swiss hotels that are across this country in Chicago and other big cities, people who fly on Swiss Air, evidently in Switzerland, those pilots are not required to take drug tests because it is against the law in Switzerland to require somebody to take a drug test. I would think twice before I wanted to fly in that type of a situation.

People who go on ski vacations in Switzerland, there are literally tens of thousands of Americans that do it. There is no protection against the guy that runs the ski lifts and protect people on those slopes that somebody in there is not on drugs. Of all of the thousands of people who are drug free, it only takes one person who is a heroin addict who cannot be tested because of Swiss law and can cause real problems in those areas.

Mr. SOUDER. Mr. Speaker, it is inconceivable to me that they do not drug test pilots. That is literally flying blind. Sometimes ignorance is not bliss. In other words, it is like we do not want to know whether they are abusing drugs, and then if you see a society already having these trends, I would think it would be more of a reason to drug test, not less of a reason.

Mr. HASTERT. I think the pressure could start here in the United States. You talked about Ciba-Geigy. I think we could call the president of Ciba-Geigy, Doug Watson, and tell him to stand up against the legalization of drugs in Switzerland. Perhaps hundreds of other Swiss companies who benefit from trade from the United States, Americans Against Heroin Legalization could call the Swiss Bank, Swiss Credit, or Credit Swiss, the big bank that has been silent on this issue that certainly should be vocal in supporting Youth Against Drugs in Switzerland. Credit Swiss should be vocal in Switzerland to stop the legalization of heroin.

In New York, Robert O'Brien is the regional head of Credit Swiss. In Los Angeles, the Credit Swiss head is David Worthington. In Florida, Max Lutz, who represents senior management at Credit Swiss. Those people should know that Members of Congress do not really appreciate that.

Mr. MICA. Mr. Speaker, I would just like to, as we close up, remind folks that what this experiment in Switzerland, a beautiful country, you think of the Swiss Alps and mountain chalets and peaceful living.

Let me read from this. In one park, the number of addicts grew to 15,000 daily that came for free needles. Switzerland, again, a placid European tranquil State, Switzerland now has the highest heroin addiction rate in Europe and the second highest HIV infection. That is with the free needles, with the free heroin. So they have tried it. It is a disaster for their people.

We are joining their people who are now calling for a referendum to repeal this. Again, a good example of a program that went bad.

So I join my colleagues in whatever pressure we need to put on the Swiss, United States interests, we will do that. We are not going to let what happened there happen here, and this is the evidence as to why we should not let that take place.

Mr. HASTERT. Mr. Speaker, I think that is really an important point. I think that is one of the things we need to look at.

Mr. Speaker, for hundreds of years we looked to the Swiss for chocolate and we looked to them for Swiss watches and Swatches and things like that. We also respected the integrity of the Swiss banks.

During the Hitler era, the Jews trusted the Swiss to protect their accounts from the Nazis. However, after the war, the Swiss took bank deposits of murdered holocaust victims and funneled them to Swiss businessmen to cover assets seized by East European Communist regimes.

According to recent news reports, while the Swiss Bankers Association admits to $32 million in diverted deposits, the World Jewish Congress believes the figure may be as high as $7 billion. But in 1992, the Swiss bank secrecy laws, which had concealed the diversion of these funds, were repealed, and this change removed Switzerland from a short list of countries whose banks are capable of masking deposits delivered from such illicit sources as drug profits.

Some countries, like the Republic of Seychelles, have banking laws that permit large deposits of suspected money. Although there is no direct evidence that Switzerland may be joining these ranks, legalized drugs could normalize financial transactions with drug kingpins.

So one of the things we need to be careful of, if Switzerland does legalize drugs and legalize heroin, then the profits from those drugs can be moved into Swiss banks and that money can be transferred all over the world. Thus, the drug money that happens in the United States or Mexico or Thailand, moved into the wire system, moved to Swiss banks.

So I think that is something that is very, very treacherous, something that we need to be very, very careful about. Our committee will be looking into this, will be working on this, and I hope that we will have another special order on this issue.

I would encourage Mr. Speaker and all of the rest of my colleagues to be sensitive to this. Talk to these Swiss companies, be involved, and let us turn this around, turn it around in Switzerland because Switzerland is so important to this country. We can turn it around in this country as well.

We are not without fault, we have our problems, but we cannot let other countries slip into this type of a situation as well.

I certainly appreciate my colleagues from Indiana and Florida for joining us this evening on this very, very important issue.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HOEKSTRA (at the request of Mr. ARMEY), for today, on account of illness in the family.

Mr. MANZULLO (at the request of Mr. ARMEY), for today, on account of illness in the family.

Mr. PORTER (at the request of Mr. ARMEY), for today, on account of medical reasons.

Mr. YATES (at the request of Mr. GEPHARDT), for today, on account of back pain.

Ms. VELÁZQUEZ (at the request of Mr. GEPHARDT), for today, on account of illness in the family.

Mr. CLEMENT (at the request of Mr. GEPHARDT), for today, on account of official business in the district.

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. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. FILNER, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. PICKERING) to revise and extend their remarks and include extraneous material:)

Mr. WELDON, for 5 minutes, today.

Mr. HORN, for 5 minutes, today.

Mr. HULSHOF, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. PALLONE) and to include extraneous matter:)

Mr. SKELTON.

Mr. MOAKLEY.

Mr. FARR.

Mr. KUCINICH.

Mr. DAVIS of Illinois.

Mr. HOYER.

Mr. DOYLE.

Mr. BERMAN.

Mr. FRANK of Massachusetts.

Mr. VENTO.

Mrs. THURMAN.

Mr. MCNULTY.

Mr. RAHALL.

Mr. VISCLOSKY.

Mr. KILDEE.

(The following Members (at the request of Mr. PICKERING) and to include extraneous matter:)

Mr. LEWIS of California.

Mr. EHRLICH.

Mr. DAN SCHAEFER of Colorado in two instances.

Ms. PRYCE.

Mr. GALLEGLY.

Mr. COOK.

Mr. SMITH of Michigan.

Mr. DAVIS of Virginia in two instances.

Mr. QUINN in two instances.
Mr. HERGER.
Mr. HOUGHTON.
Mr. SHUSTER.
(The following Members (at the request of Mr. SOUDER) and to include extraneous matter:)
Mr. NEY in two instances.
Mr. HYDE.
Mr. LANTOS.
Mr. HINOJOSA.
Mr. MENENDEZ in six instances.
Mr. FORD.
Mr. BALLENGER.
Mr. HOSTETTLER.
Ms. DEGETTE.
Mr. MILLER of California.
Mr. LAHOOD.
Mr. BLUNT.
Mr. THOMPSON.
Mrs. MORELLA.
Mr. CRANE.
Mr. COLLINS.
Mr. LEWIS of Georgia.
Ms. VELÁZQUEZ.
Mr. BROWN of California.
Mr. VISCLOSKY.
Mr. CLAY.
Mr. SHERMAN.
Mr. WELDON of Pennsylvania.
Mr. BLILEY.

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ADJOURNMENT

Mr. SOUDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock p.m.), under its previous order, the House adjourned until Monday, April 28, 1997, at 2 p.m.

NOTICE OF ADOPTION OF AMENDMENTS TO PROCEDURAL RULES

U.S. CONGRESS,
OFFICE OF COMPLIANCE,
Washington, DC, April 18, 1997.

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

DEAR MR. SPEAKER: Pursuant to Section 303 of the Congressional Accountability Act of 1995 (2 U.S.C. §1383), I am transmitting the enclosed notice of adoption of amendments to the Procedural Rules of the Office of Compliance) for publication in the Congressional Record.

The Congressional Accountability Act specifies that the enclosed amendments be published on the first day on which both Houses are in session following this transmittal.

Sincerely,

RICKY SILBERMAN,
Executive Director.

OFFICE OF COMPLIANCE

The Congressional Accountability Act of 1995: Amendments to Procedural Rules

NOTICE OF ADOPTION OF AMENDMENTS TO PROCEDURAL RULES

Summary: After considering the comments to the Notice of Proposed Rulemaking published January 7, 1997 in the Congressional Record, the Executive Director has adopted and is publishing amendments to the rules governing the procedures for the Office of Compliance under the Congressional Accountability Act of 1995 (P.L. 104–1, 109 Stat. 3). The amendments to the procedural rules have been approved by the Board of Directors, Office of Compliance.

For Further Information Contact: Executive Director, Office of Compliance, Room LA 200, 110 Second Street, S.E., Washington, D.C. 20540–1999. Telephone No. 202–724–9250. TDD/TTY: 202–426–1912.

SUPPLEMENTARY INFORMATION

I. Background.

The Congressional Accountability Act of 1995 (''CAA'' or ''Act'') was enacted into law on January 23, 1995. In general, the CAA applies the rights and protections of eleven federal labor and employment law statutes to covered employees and employing offices within the Legislative Branch. Section 303 of the CAA directs that the Executive Director of the Office of Compliance (''Office'') shall, subject to the approval of the Board of Directors (''Board'') of the Office, adopt rules governing the procedures for the Office, and may amend those rules in the same manner. The procedural rules currently in effect, approved by the Board and adopted by the Executive Director, were published December 22, 1995 in the Congressional Record (141 Cong. R. S19239 (daily ed., Dec. 22, 1995)). Amendments to these rules, approved by the Board and adopted by the Executive Director, were published September 19, 1996 in the Congressional Record (142 Cong. R. H10672 and S10980 (daily ed., Sept. 19, 1996)). The revisions and additions that follow establish procedures for consideration of matters arising under Parts B and C of title II of the CAA, which became generally effective January 1, 1997.

Pursuant to section 303(b) of the CAA, the Executive Director published for comment a Notice of Proposed Rulemaking (''NPR'') in the Congressional Record on January 7, 1997 (143 Cong. R. S25–S30 (daily ed., Jan. 7, 1997)) inviting comments regarding the proposed amendments to the procedural rules. Four comments were received in response to the NPR: Three from Congressional offices and one from a labor organization. After full consideration of the comments received, the Executive Director has, with the approval of the Board, adopted these amendments to the procedural rules.

II. Consideration of Comments and Conclusions Regarding Amendments to Existing Rules.

A. Section 1.04(d)—Final Decisions.

One commenter noted that, although section 1.04(d) provides that the Board will make public final decisions in favor of a complaining covered employee, or charging party under section 210 of the CAA, as well as those that reverse a Hearing Officer's decision in favor of a complaining employee or charging party, section 1.04(d) does not specifically provide that decisions in favor of an employing office will be made public. Rather, such decisions may be made public in the discretion of the Board. The commenter suggested that the rules should provide either that all or none of the decisions be made public, asserting that, if section 1.04(d) were not so modified, there would be ''inconsistent access'' to decisions and ''the impression that the Board's procedures are weighted against employing offices.'' Proposed section 1.04(d) is identical to section 416(f) of the CAA, and its language, therefore, should not and will not be altered, whatever the Board's ultimate practice with respect to the publication of decisions in favor of employing offices.

B. Section 1.07(a)

One commenter suggested that, if section 1.04(d) were not modified to provide for publication of all decisions, the term ''certain final decisions'' in section 1.07(a) should be defined and procedures should be established to challenge Board determinations regarding the publication of decisions. Section 1.07(a) has been modified to make it clear that the referenced final decisions are those described in section 416(f) of the CAA. As section 416(f) of the CAA makes clear which final decisions must be made public and grants the Board complete discretion as to publication of other final decisions, procedures for challenging determinations regarding publication are not warranted.

C. Section 5.01—Complaints.

For the reasons set forth in Section III.C.10., *infra*, section 5.01(b)(2) will not be modified to require the General Counsel to conduct a follow-up inspection as a prerequisite to filing a complaint under section 215 of the CAA, as requested by a commenter.

D. Section 5.04—Confidentiality

One commenter suggested that section 5.04 be modified to clarify that proceedings before Hearing Officers and the Board are not confidential. However, with certain exceptions, pursuant to section 416(c) of the CAA, such proceedings are confidential and, therefore, the proposed rule cannot be modified as suggested by the commenter. However, the rule will be clarified to note the statutory exceptions to the confidentiality requirement. In addition, at the suggestion of another commenter, the rule will be modified to cross-reference sections 1.06, 1.07 and 7.12 of the procedural rules, which also relate to confidentiality.

III. Consideration of Comments and Conclusions Regarding Section 215 Procedures.

A. Promulgation of the proposed amendments as substantive regulations under section 304.

Two commenters restated objections to the Board's decision in promulgating its substantive section 215 regulations (143 Cong. R. S61, S63 (daily ed., Jan. 7, 1997)) not to adopt the Secretary's rules of practices and procedure for variances under the OSHAct (part 1905, 29 C.F.R.), and the Secretary's regulations relating to the procedure for conducting inspections, and for issuing and contesting citations and proposed penalties under the OHSAct (part 1903, 29 C.F.R.) as regulations under section 215(d)(2) of the CAA. The arguments offered by the commenters are substantially the same as those rejected by the Board in its rulemaking on this issue (143 Cong. R. at S63). The Board has fully explained its decision not to adopt Parts 1903 and 1905, 29 C.F.R., as regulations under section 215(d) of the CAA, and for rejecting the arguments made by the commenters. The Board did not consider the Secretary's regulations governing inspections, citations, and variances to be outside the scope of rulemaking under section 304 because they were ''procedural'' as opposed to ''substantive.'' Instead, the Board did not adopt these regulations because they were promulgated to implement sections 8, 9, and 10 of the OSHAct, statutory provisions which are not ''referred to in subsection (a)'' of section 215. Accordingly, these regulations are not within the scope of the Board's rulemaking authority under section 215(d)(2). 143 Cong. R. at S63–64. Thus, the question whether the proposed regulations should have been issued under section 304 of the CAA cannot be addressed by the Executive Director in the context of this rulemaking.

Because the Board has determined that regulations covering variances, citations, and notices cannot be issued under section 215(d), the question is whether such regulations may be issued by the Executive Director under section 303. The essence of the commenters' argument in this rulemaking is that the Executive Director cannot do so because the procedures affect substantive rights of the parties. The commenters' position is based on the substance-procedure distinction that they believe demarcates the

boundary between rulemaking under sections 215(d) and 304 and rulemaking under section 303.

As noted above, the Board did not exclude the subjects of variances, citations, and notices from its rulemaking based on a substance/procedure distinction, but because the Secretary's regulations covering these subjects were not within the scope of section 215(d). Similarly, the Executive Director is not barred from promulgating rules governing the procedures of the Office simply because those procedures might affect the substantive rights of the parties.

Contrary to the commenters' arguments, the Board's earlier statement (in the context of its rulemaking under section 220(d) of the CAA) that rules governing procedures can be substantive regulations is not controlling with respect to the present issue. In its rulemaking proceeding under section 220(d), the Board determined that the subject matter of the Federal Labor Relations Authority's regulations, including certain regulations purporting to govern procedures of the Authority, were within the plain language setting forth the scope of rulemaking under section 220(d). The question raised by the commenters in that rulemaking was whether regulations falling within the scope of section 220(d) were nevertheless excluded because of their procedural label or character. The Board decided that they were not so excluded, and its statement that procedural rules can be considered substantive regulations was made in that context. *See* 142 Cong. R. S5070, 5072 (daily ed., May 15, 1996). Conversely, in its rulemaking under section 215(d), the Board determined that certain regulations were *not* within the scope of rulemaking under section 215(d), and it rejected the argument that regulations not falling within the scope of section 215(d) should nevertheless be included because of their substantive label or character. Thus, contrary to the commenters' arguments, there is no inconsistency in the underlying rationale of the Board in these two rulemakings. The Board's preambulatory remarks as part of the section 220(d) rulemaking seized upon by the commenters, when read in context, do not control the question here.

The question whether these rules can be promulgated under section 303 must begin and end with the language of the statute. Section 303(a) provides that ''[t]he Executive Director shall, subject to approval of the Board, adopt rules governing the procedures of the Office, including the procedures of hearing officers, which shall be submitted for publication in the Congressional Record.'' 2 U.S.C. §1383(a). The regulations in issue plainly meet these criteria. So long as the Executive Director's regulations meet these criteria, the regulations may be promulgated under this authority, whether they affect substantive rights or not.

Given the Board's decision not to promulgate regulations governing the subject of variances, citations, and notices under section 215(d), if the Executive Director accepted the commenters' arguments and did not issue these rules under section 303, it would mean, for example, that no procedures would exist by which variances may be considered by the Board. The Executive Director believes that such a procedure should be provided employing offices. Because promulgation of such procedures is within the scope of the Executive Director's rulemaking under section 303, there is no basis upon which the Executive Director should refuse to address these matters under section 303.

B. References to the General Counsel's designees.

Two commenters argued that references in the regulations to ''designees of the General Counsel'' are inappropriate on the theory that the CAA does not authorize the General Counsel to delegate his duties. To the extent that the commenters are arguing that the General Counsel is prohibited from assigning or designating others to perform the inspections and other responsibilities under section 215 of the CAA, such an argument is refuted by section 302(c)(4) of the CAA, which expressly authorizes the General Counsel to ''appoint * * * such additional attorneys as may be necessary to enable the General Counsel to perform the General Counsel's duties.'' 2 U.S.C. §1382(c)(4). Similarly, 215(c) of the CAA provides that the General Counsel exercises the ''authorities granted to the Secretary of Labor'' by subsections (a), (d), (e), and (f) of section 8 of the OSHAct, and sections 9 and 10 of the OSHAct. Those sections in turn recognize that the Secretary may act personally or through an ''authorized representative'' with respect to many of these functions. See 29 U.S.C. §§657(e),(f), and 658(a). Thus, the proposed regulation is not inconsistent with section 215 of the provisions of the OSHAct incorporated thereunder.

One of the commenters also argued that the General Counsel may not utilize detailees or consultants in carrying out his duties, because section 302 of the CAA gives the Executive Director the authority to secure the use of detailees. However, section 302 does not limit the functions to which these detailees may be assigned within the Office. Similarly, although the Executive Director may procure the temporary services of consultants ''[i]n carrying out the functions of the Office,'' nothing in the CAA suggests that the Executive Director is barred from obtaining and approving the services of consultants to assist the General Counsel in performing his duties. Indeed, the comprehensive inspections of Legislative Branch facilities were performed in large part through the use of detailees and consultants assisting the General Counsel. The commenters were aware of this use of consultants for this purpose. No claim was made that such inspections could not be conducted with the assistance of consultants.

More to the point, the General Counsel is statutorily responsible for exercising the authorities and performing the duties of the General Counsel as specified in section 215 and is accountable for decisions made therein. The proposed regulatory sections do not purport to delegate the General Counsel's statutory responsibilities to others. The regulations simply recognize that the General Counsel may utilize others to enable him to perform certain functions within those responsibilities (such as assisting in conducting investigations and inspections).

The commenters' implicit argument that the CAA requires the General Counsel to *solely* and *personally* perform those functions is, quite simply, wrong. It is clear that ''those legally responsible for a decision must in fact make it, but that their method of doing so—their thought processes, their reliance on their staffs—is largely beyond judicial scrutiny.'' *Yellow Freight System, Inc.* v. *Martin,* 983 F.2d 1195, 1201 (2d Cir. 1993), *quoting KFC National Management Corp.* v. *NLRB,* 497 F.2d 298 (2d Cir. 1974), *cert. denied,* 423 U.S. 1087 (1976). Thus, the decision to assign or designate others (such as other attorneys in the Office, detailees or others) to perform functions related to the General Counsel's ultimate decisions under section 215 (e.g., whether to issue a citation, a notice and/or a complaint in a particular case) is not prohibited by the CAA or subject to review by individual employing offices, as argued by the commenters.

One of the commenters argued that employing offices should have an opportunity to pass upon the qualifications of individuals chosen by the General Counsel to conduct inspections through a specified process. Nothing in the CAA or the OSHAct authorizes adoption of such a procedure, and such a provision would interfere unduly with the General Counsel's enforcement responsibilities. Adoption of procedures to micro-manage the General Counsel's operations in this area would be improper in the absence of any statutory authority.

C. Inspections, Citations, and Complaints.

1. Objection to inspection, entry not a waiver, advance notice of inspection, requirement of ex parte administrative inspection warrants (sections 4.04, 4.05, and 4.06)

Three commenters requested that the Executive Director issue regulations requiring the General Counsel to provide advance notice of an inspection to employing offices or to seek a warrant before conducting a nonconsensual search of employing offices. One commenter argued that the Supreme Court's decision in *Marshall* v. *Barlow's, Inc.,* 436 U.S. 307 (1978), which held that the Fourth Amendment's protection against unreasonable searches and seizures applies to nonconsensual inspection of private commercial property, applies to administrative inspections of legislative branch employing offices by another legislative branch entity; the commenter further argued that the rules should require that the General Counsel first notify the employing office of the intent to inspect, obtain written consent prior to inspections, and schedule an appointment with employing offices for such inspections. The other commenter argued that, regardless of whether the Fourth Amendment's protection applies equally to congressional offices, similar privacy interests apply to employing offices to enable them to conduct their legislative business free from unreasonable searches. These commenters asked that the procedural rules include provisions similar to those of section 1903.4 of the Secretary's rules, which were amended to authorize the Secretary to secure an ex parte administrative warrant upon refusal to consent to a search in response to the Barlow's decision. See 45 Fed. Reg. 65916 (Oct. 3, 1980) (Final rule amending section 1903.4, 29 C.F.R.). The third commenter also requested that the final regulations include the compulsory process/ex parte administrative warrants provisions of section 1903.4, but did not explain how inclusion of such a provision would be authorized by section 215 of the CAA.

It is not entirely clear that the Fourth Amendment's protections that bar the warrantless search of commercial premises apply (or apply with equal force) to inspections of a legislative branch office by another legislative branch entity, albeit an independent one. The protections of the Fourth Amendment were designed to protect privacy interests against intrusion by the government; it is, therefore, not obvious that they apply to prohibit one legislative branch enforcement entity (the General Counsel) from conducting an investigation of another legislative branch entity (an individual employing office). To be sure, there may be portions of an employing office to which individual persons' expectations of privacy may attach. See, e.g., *O'Connor* v. *Ortega,* 480 U.S. 709 (1987) (expectation of privacy in public employee's desk, files, and areas within his exclusive control); *Schowengerdt* v. *General Dynamics Corp.,* 823 F.2d 1328, 1335 (9th Cir. 1987) (reasonable expectation of privacy found to exist in areas of government property given over to an employee's exclusive control). But it is questionable whether an employing office, as a covered entity (as distinguished from the individuals holding positions within the office

or working there), would be found to possess a privacy right to be free from administrative inquiries authorized by a statute duly enacted by Congress. Moreover, section 215(f)'s requirement that the General Counsel conduct a comprehensive inspection of all covered employing offices and other covered facilities on a regular basis and at least once each Congress may well defeat an otherwise reasonable expectation of privacy in such offices and other facilities. See, e.g., *United States* v. *Bunkers*, 521 F.2d 1217, 1219–20 (9th Cir.) (search of postal worker's locker authorized by regulation), cert. denied, 423 U.S. 989 (1975); *United States* v. *Taketa*, 923 F.2d 665, 672 (9th Cir. 1991) (valid regulation may defeat an otherwise reasonable expectation of workplace privacy); see also *Donovan* v. *Dewey*, 452 U.S. 593 (1981) (legislative schemes authorizing warrantless administrative searches of commercial property do not necessarily violate the Fourth Amendment).

In any event, whether Barlow's and its progeny apply in the context of the CAA is a question that need not be decided here. Section 215 does not provide a mechanism by which warrants may be issued. Section 215 contemplates the assignment of hearing officers, but only after a complaint has been filed by the General Counsel. See 2 U.S.C. §1341(c)(3). Moreover, there is no provision in the CAA that would allow such applications to be heard by federal judges. Compare 2 U.S.C. §1405(f)(3) (authorizing federal district court to issue orders requiring persons to appear before the hearing officer to give testimony and produce records). Thus, there is no statutory basis upon which such a procedure could be adopted by the Executive Director.

The commenters incorrectly assume that, absent a warrant procedure, the General Counsel would nevertheless enter a workspace over the objection of the employing office/s with jurisdiction over the area or control of the space involved. Just as it would be improper to assume that employing offices would engage in a wholesale refusal to allow inspections, it cannot be assumed that the General Counsel will attempt to force inspectors into work areas over the employing office's objection. See 29 U.S.C. §657(a)(2) (Secretary authorized ''to inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner . . .''). In the typical case, the General Counsel can be expected to ascertain the reason for the refusal and attempt to secure voluntary consent to conduct the inspection. If the employing office continues to refuse an inspection, there are options presently available to the General Counsel to secure access to the space. These options would include, among others, seeking such consent from the relevant committee(s) of the Congress that have responsibilities for the office space or work area involved, and seeking consent from the Architect of the Capitol and/or other entities that have superintendence or other responsibility for and authority over the facility and access to and/or control of the space involved. If such options are unavailing, the General Counsel could simply note the refusal of the employing office to allow the inspection in, for example, the inspection report submitted to the Congress. Of course, the Office assumes that employing offices will not withhold their consent.

The commenters also argued that advance notice should be given by the General Counsel to conform to protections recognized in the private sector context. One of the commenters specifically requested that the rules require the General Counsel to first schedule an appointment with an employing office prior to an inspection. Although the commenters argued that such notice is consistent with practice under the OSHAct, advance notice of inspections is the *exception*, not the rule, at OSHA. *See* 29 C.F.R. §1903.6; OSHAct section 17(f). Moreover, in enacting the CAA, the Congress understood that its incorporation of the rights and protections of the OSHAct included the standard practice and procedure at OSHA that advance notice would not be given. *See* 142 Cong. R. S 625 (daily ed., Jan. 9, 1995) (section-by-section analysis of the CAA submitted by Senator Grassley) (''[T]he act does not provide that employing offices are to receive notice of the inspections.''). Thus, the commenters' argument that advance notice of inspections is required by OSHA regulations and practice, or by the CAA, is not supported by the statute. Indeed, as one of the commenters acknowledged, its proposal requiring advance notice would require a re-writing of the inspection authority of section 8(a) of the OSHAct, applied by section 215, to read that the General Counsel is authorized ''*upon the notice and consent of the employing office* to enter [without delay and] at reasonable times . . .'' Adoption of such a rule, which is plainly at odds with the underlying statute, would be improper.

One of the commenters argued alternatively that proposed section 4.06 be modified to include the provisions of section 1903.6, which authorizes advance notice in certain specified circumstances. The provisions of section 1903.6, with appropriate modifications, will be included as part of the final regulations, since such an enforcement policy is not deemed to add to or alter any substantive provision in the underlying statute.

This commenter also requested that section 4.06 be modified to require the General Counsel to issue a written statement explaining why advance notice was not provided to the employing office. Nothing under the CAA or the OSHAct authorizes or suggests such a requirement, nor would any purpose of the CAA be served. Thus, no such modification will be made.

Finally, section 4.05 (Entry not a waiver) will be modified to specifically refer to section 215 of the CAA, as requested by a commenter.

2. References to recordkeeping requirements (sections 4.02 and 4.07)

Two commenters objected to references in proposed section 4.02 of the regulations to ''records required by the CAA and regulations promulgated thereunder,'' and a similar reference in section 4.07, on the theory that no recordkeeping requirements, even those that are inextricably intertwined with the substantive health and safety standards of Parts 1910 and 1926, 29 C.F.R., may be imposed on employing offices under the CAA. The commenters presented no different arguments than those fully considered and rejected by the Board in promulgating its substantive section 215 regulations. *See* 142 Cong. R. at S63. Because the Board has adopted substantive health and safety standards which impose limited recordkeeping requirements on employing offices (e.g., rules relating to employee exposure records), such records are subject to review during an inspection. The Executive Director thus has no basis for the proposed deletion.

3. Security clearances (section 4.02)

Two commenters suggested that section 4.02 of the proposed regulation be amended to provide that the General Counsel or other person conducting a work site inspection obtain an appropriate security clearance before inspecting areas that contain classified information. The General Counsel reports that he is in the process of obtaining, through the appropriate security division of the United States Capitol Police, security clearances for the General Counsel and the General Counsel's inspection personnel to enable them to have access to such areas, if access is required as part of a section 215 inspection. Section 4.02, and other sections as appropriate, will be amended to state that the General Counsel and/or any inspection personnel will be required to either have or obtain appropriate security clearance, if such clearance is required for access to the workspaces inspected.

4. Requests for inspections by employing office (section 4.03)

One commenter noted that, although section 4.03(b) provides that employing office requests for inspections must be reduced to writing on a form provided by the Office, there is no requirement in section 4.03(a) that employee requests be submitted on an Office-provided form. Section 4.03(a) will be modified to provide that employee requests be reduced in writing on an Office-provided form. The commenter has asked that any form developed be submitted for review and comment from employing offices prior to its approval. Since the form is merely an investigative tool of the General Counsel, there is no reason to require that it be ''approved'' by the Board prior to issuance. Inspection forms and other similar documents relating to the General Counsel's enforcement procedures are available from the General Counsel.

5. Scope and nature of inspection (sections 4.03 and 4.08).

One commenter has asked that section 4.03(2) be modified to provide that inspections will be limited to matters included in the notice of violation. Section 4.03(2) is based on virtually identical provisions of the Secretary's regulations, 29 C.F.R. §1903.11. Nothing in section 215 or the provisions of the OSHAct incorporated thereunder would authorize placing a limitation on the General Counsel's inspection authority, as proposed by the commenter.

Similarly, section 8(e) of the OSHAct, 29 U.S.C. §657(e), and proposed section 4.08 provide that a representative of the employer and a representative authorized by the employees shall be given an opportunity to accompany the inspector, and section 4.08 will not be modified to provide that parties be given the opportunity to seek immediate review of the General Counsel's determinations regarding authorized representatives, or to provide specific standards by which the General Counsel may deny the right of accompaniment, or that parties have a ''fair'' opportunity to accompany the General Counsel's designee during the inspection, as suggested by two commenters. As with the proposed modifications of section 4.03, nothing in section 215, the OSHAct, or the Secretary's rules and practice under the OSHAct, would authorize placing these limitations on the General Counsel's enforcement authorities. On the contrary, such a modification provides parties with a tool for delay, allowing an office to forestall prompt inspection and abatement of hazards while the parties litigate the issue of whether an employing office was denied a ''fair'' opportunity for accompaniment or whether a representative of employees is an appropriately authorized representative. Nothing in the OSHAct, as applied by section 215 of the CAA, would sanction such a rule.

6. Inspector compliance with health and safety requirements (section 4.07).

Two commenters requested that section 4.07 of the proposed regulations add the provisions of 29 C.F.R. §1903.7(c), which provide that health and safety inspectors take reasonable safety precautions to ensure that their inspection practices are not hazardous and comply with the employer's safety and health rules at the work site. This enforcement policy will be included within the final regulations.

7. Consultation with employees (section 4.09).

Section 4.09 tracks the provisions of section 1903.10 of the Secretary's regulations, which provide that inspectors may consult with employees concerning health and safety and other matters deemed necessary for an effective and thorough inspection, and that afford employees an opportunity to bring violations to the attention of the inspectors during the course of an inspection. A commenter has requested that section 4.09 be modified to require specific limits on the time, place, and manner of such consultations, and that employees be required to first put in writing violations that they intend to bring to the attention of inspectors during the course of an inspection. Nothing in section 215 of the CAA or the provisions of the OSHAct incorporated thereunder requires or permits the modifications requested by the commenter.

8. Inspection not warranted; informal review (section 4.10).

A commenter requested that proposed section 4.10(a) be revised to state that, after conducting informal conference to review a decision not to conduct an inspection of a work site, the General Counsel ''shall'' (rather than ''may'') affirm, modify or reverse the decision. The final regulations will include the change suggested by the commenter.

A second commenter requested that the final regulations include the provisions of 29 C.F.R. §1903.12(a), which permit parties to make written submissions as part of the informal conference. The final regulations will include these provisions, as suggested by the commenter.

9. Citations (section 4.11).

Two commenters requested that section 4.11 of the final regulations include the language of 29 C.F.R. §1903.14(a) that ''No citation may be issued under this section after the expiration of six months following the occurrence of any violation.'' The commenters argued that the proposed regulations ''omit this important substantive right'' under section 9(c) of the OSHAct. Section 9(c) of the OSHAct is a temporal limitation on the ability of the Secretary to issue a citation and thus is included within the scope of section 215(c). It applies regardless of whether or not a procedural regulation ''implements'' it. Nevertheless, because the proposed provision simply tracks the clear and unambiguous statutory provision of section 9(c) of the OSHAct and does not purport to create or modify any substantive right, it will be included in section 4.11 of the final regulations.

One commenter requested that section 4.11(a), which authorizes the General Counsel to issue citations or notices even if the employing office immediately abates, or initiates steps to abate the violation, be deleted. However, this provision tracks the language of section 1903.14(a) and is consistent with section 215 of the CAA. Thus, it will not be modified as requested by the commenter.

10. De minimis violations (sections 4.11 and 4.13).

Two commenters argued that the Executive Director should adopt provisions regarding ''de minimis'' violations, consistent with section 9(a) of the OSHAct and 29 C.F.R. §§1903.14 and 1903.16. Section 9(a) of the OSHAct provides, in relevant part, that ''[t]he Secretary may prescribe procedures for the issuance of a notice in lieu of a citation with respect to deminimis violations which have no direct or immediate relationship to safety or health.'' Although OSHA formerly required inspectors to issue citations on de minimis violations under this provision, the practice has been abandoned. OSHA Field Inspection Reference Manual ch. III.C.2.g. (1994) (''De Minimis violations . . . shall not be included in citations. . . . The employer should be verbally notified of the violation and the [Compliance Safety and Health Officer] should note it in the inspection case file.''). Thus, a provision enabling the General Counsel to issue notices for de minimis violations is of little practical utility under section 215. However, the text of section 215(c)(2)(A) authorizes the General Counsel to issue a ''citation or notice,'' which reasonably would include a notice of de minimis violations. Including such a provision in these regulations is consistent with the CAA, and does not create a substantive requirement. Thus, sections 4.11 and 4.13 will be modified to provide that the General Counsel may issue notices of de minimis violations in appropriate cases, as requested by the commenters.

11. Failure to correct a violation for which a citation has been issued; notice of failure to correct a violation; complaint (section 4.14).

Section 4.14(a) of the proposed regulations provide that, ''if the General Counsel determines'' that an employing office has failed to correct timely an alleged violation, he or she ''may'' issue a notification of such failure before filing a complaint against the office. Two commenters argued that the proposed regulations are contrary to section 215(c)(2)(B) of the CAA because they do not require the General Counsel to issue a notification before filing a complaint. Similarly, these commenters argued that section 5.01 be modified to require the General Counsel to conduct a follow-up inspection as a prerequisite to filing a complaint under section 215. Nothing in section 215(c)(2)(B) requires the General Counsel to issue a notification or to conduct a follow-up inspection prior to filing a complaint. Instead, section 215 grants the General Counsel the authority to file a complaint after issuing ''a citation or notification,'' if the General Counsel determines that a violation has not been corrected. 2 U.S.C. §1341(c)(3).

The section-by-section analysis of the CAA explains the basis for section 215(c)(2)'s language authorizing the General Counsel to issue a citation or a notice. It makes clear that section 215 does not require the General Counsel to issue a notification prior to filing a complaint where an employing office has failed to abate a hazard outlined in the citation: ''[Under section 215] the general counsel can issue a citation and proceed to file a complaint if the violation remains unabated. Or the general counsel may file a notification after the citation is not complied with, and then file a complaint. The general counsel may not file a notification without having first filed a citation which has not been honored. The choice whether to follow a citation with a complaint once it is evident that there has not been compliance, or to file a notification before the filing of the complaint, will normally turn or whether the general counsel believes that good faith efforts are being undertaken to comply with the citation, but the time period for complete remediation of the citation period has expired.'' 141 Cong. R. S621, S625 (daily ed. Jan. 9, 1995) (section-by-section analysis).

Therefore, because the commenters' requested change is contrary to the statutory procedure outlined in section 215, it may not be adopted as a procedure of the Office under section 303.

12. Informal conferences (section 4.15).

One commenter requested that section 4.15 be modified to require the General Counsel to allow participation in a formal conference by persons other than the requesting party (complaining employee or employing office). Section 4.15, which states that such participation is ''at the discretion of the General Counsel,'' tracks section 1903.19 of the Secretary's regulations and is consistent with section 215 of the CAA. Thus, it will not be modified as requested by the commenter. However, as requested by the commenter, section 4.15 will be revised to clarify that any settlement entered into between the parties to such a conference shall be subject to the approval of the Executive Director, to conform to section 414 of the CAA.

13. Notice of contest.

A commenter argued that the procedural regulations should provide a procedure for filing notices of contest, as outlined in 29 C.F.R. §1903.17 and consistent with section 9(a) of the OSHAct. However, the changes proposed by the commenter would flatly contradict the statutory procedures outlined in section 215. As the Board noted in its rulemaking under section 215, the statutory enforcement scheme under section 215 differs significantly from the comparable statutory provisions of the OSHAct.

The enforcement procedures of the OSHAct are set forth in sections 8, 9, 10, and 11 of the OSHAct, 29 U.S.C. §§657–660. Section 8(a) of the OSHAct authorizes the Secretary's inspectors to conduct reasonable safety and health inspections at places of employment. 29 U.S.C. §657(a). If a violation is discovered, the inspector may issue a citation to the employer under section 9(a) of the OSHAct, specifically describing the violation, fixing a reasonable time for its abatement and, in his or her discretion, proposing a civil monetary penalty. 29 U.S.C. §§658, 659. Section 8(c) permits an employer to notify the Secretary that it intends to contest the citation. 29 U.S.C. §659(c). If the employer does not contest the citation within 15 working days, it becomes a final abatement order and is ''not subject to review by any court or agency.'' 29 U.S.C. §659(b). Section 10(c) of the OSHAct also gives an employee or representative of employees a right to contest the period of time fixed in the citation for abatement of the violation. In either event, the Occupational Safety and Health Review Commission must afford the employer and/or the employee ''an opportunity for a hearing.'' 29 U.S.C. §659(c). Section 10(c) also requires the Commission to provide affected employees or their representatives ''an opportunity to participate as parties to hearings under this subsection.'' *Id.*

Rather than either incorporating by reference the statutory enforcement procedures of the OSHAct described above or adopting them *in haec verba* in section 215, the CAA provides a detailed statutory enforcement scheme which departs from the OSHAct in several significant respects. Section 215(c) makes reference to sections 8(a), 8(d), 8(e), 8(f), 9, and 10 of the OSHAct, but only to the extent of granting the General Counsel the ''authorities of the Secretary'' contained in those sections to ''inspect and investigate places of employment'' and to ''issue a citation or notice * * * or a notification'' to employing offices. Section 215(c) (1), (2). Other portions of sections 8, 9, and 10 of the OSHAct that do not relate to the Secretary's authority to conduct inspections or to issue citations or notices are not incorporated into sections 215(c). Instead, section 215(c) provides a detailed procedure regarding inspections and citations which, although modeled on sections 8, 9, and 10 of the OSHAct, differs in several significant respects from the OSHAct enforcement scheme.

For example, under section 10 of the OSHAct, the employer must initiate a contest within 15 days of receipt to prevent the citation from becoming final; under section 215(c), the General Counsel must initiate a

complaint to obtain a final order against an employing office that fails or refuses to abate a hazard outlined in the citation. Section 10(c) of the OSHAct gives employees and representatives of employees a right to participate as parties before the Occupational Safety and Health Appeals Review Board; section 215(c)(5) does not provide such party participation rights to employees and suggests that only the General Counsel and the employing office may participate in any review of decisions issued under section 215.

Section 215(c) of the CAA outlines the specific procedures regarding variances, citations, notifications and hearings under section 215. Any procedural regulations adopted by the Executive Director under section 303 of the CAA cannot conflict with these statutorily-mandated procedures. See *United States* v. *Fausto*, 108 S.Ct. 668, 677 (1988) (the provision of detailed review procedures provides strong evidence that Congress intended such procedures to be exclusive); *Block* v. *Community Nutrition Institute*, 467 U.S. 340, 345–48 (1984) (omission of review procedures for consumers affected by milk market orders, coupled with the provision of such procedures for milk handlers so affected, was strong evidence that Congress intended to preclude consumers from obtaining judicial review); *Whitney Nat. Bank* v. *Bank of New Orleans & Tr. Co.*, 85 S.Ct. 551, 557 (1965) (where Congress has provided statutory review procedures, such procedures are to be exclusive).

Given the fact that section 215(c) sets forth a detailed enforcement procedure which is significantly different than the procedures of the OSHAct, it is reasonable to conclude that Congress did not intend the Board to presume that the regulations regarding such procedures would be ''the same'' as the Secretary's procedures, as they generally must be if they fall within the Board's substantive rulemaking authority under section 215(d)(2). See *Lorillard* v. *Pons*, 434 would be ''the same'' as the Secretary's procedures, as they generally must be if they fall within the Board's substantive rulemaking authority under section 215(d)(2). See *Lorilard* v. *Pons*, 434 U.S. 575(1978) (manner in which Congress employed incorporation by reference evidence an intent on the part of Congress to assimilate the remedies and procedures of the FLSA into the ADEA, except in those cases where, in the ADEA itself, Congress made plain its decision to follow a different course than that provided for in the FLSA). Thus, the commenters' interpretation is not supported by section 215.

Here, there is no statutory authority for the filing and determination of notices of contest by employing offices. The only way in which a safety and health issue can be presented to a hearing officer is in connection with a complaint filed by the General Counsel. These procedural regulations cannot be used to engraft provisions not provided for in the statute and, more importantly, which conflict with the procedures expressly set forth therein. For the same reasons, there is no statutory basis upon which to create a procedure allowing an employing office to petition for modification of abatement dates (29 C.F.R. §1903.14a), as requested by this commenter.

14. Trade secrets

A commenter requested that the regulations include the provisions of section 1903.7, 29 C.F.R., relating to protection of trade secrets information. Section 1903.7 implements section 15 of the OSHAct, which provides that information obtained by the Secretary in connection with any inspection or proceeding under the OSHAct ''which might reveal a trade secret referred to in section 1905 of title 18 of the United States Code'' shall be considered confidential. It is not clear that section 15 of the OSHAct applies to proceedings under section 215 of the CAA. However, the current procedural rules attempt to protect privileged or otherwise confidential information from disclosure in CAA proceedings. If any employing office possessed information that constituted a ''trade secret'' within the meaning of section 15, the Office's procedures recognize that confidential or privileged materials or other information should be protected from disclosure in appropriate circumstances. See section 6.01(c)(3) and (d) of the Procedural Rules (authorizing hearing officers to issue any order to prevent discovery or disclosure of confidential or privileged materials or information, and dealing with claims of privilege). If employing offices maintain information that would constitute ''trade secrets'' within the meaning of section 15 of the OSHAct, protection against disclosure of such information should be extended to inspections and other information gathering under section 215. Accordingly, the final rules will include, with appropriate modification, the provisions of section 1903.7 as section 4.07(g).

D. Variances.

1. Publication of variance determinations and notices (sections 4.23, 4.25, 4.26, and 4.28).

Two commenters requested that sections 4.23, 4.25, 4.26, and 4.28 specify the manner in which the Board's final determinations and other notices will be made public, either by publication in the Congressional Record or its equivalent. The regulations will be amended to provide that the Board shall transmit a copy of the final decision to the Speaker of the House and President pro tempore of the Senate with a request that the order be published in the Congressional Record. Since the CAA does not require publication of such orders in the Congressional Record, the decision to publish in the Congressional Record is solely within the discretion of Congress.

2. Hearings (sections 4.25 and 4.26).

Two commenters have suggested that the provisions regarding referral of matters appropriate for hearing to hearing officers in sections 4.25 and 4.26 of the proposed regulations be revised to replace ''may'' with ''shall'' to conform to the language of section 215. They further suggest that the references in section 4.25 and 4.26 requiring applicants to include a request for a hearing be deleted as unnecessary. After considering these comments and the statutory language, the regulations will be amended to provide for referral to hearing officers.

E. Enforcement policy regarding employee rescue activities.

Two commenters argued that the regulations should include the provisions of subsection (f) of 29 C.F.R. §1903.14, which provides that, with certain exceptions, no citations may be issued to an employer because of rescue activity undertaken by an employee. However, this provision was adopted by the Secretary as ''a general statement of agency policy'' and is ''an exercise of OSHA's prosecutorial discretion in carrying out its enforcement responsibilities'' under the OSHAct. See ''Policy on Employee Rescue Efforts,'' 59 Fed. Reg. 66612 (Dec. 27, 1994) (amending 29 C.F.R. pt. 1903 to add section 1903.7; noting that rule is effective immediately upon publication because ''the rescue policy simply states OSHA's enforcement policy'' regarding citations involving employee rescue activities). Because it is an enforcement policy, the Secretary reserves the right to modify it ''in specific circumstances where the Secretary or his designee determines that an alternative course of action would better serve the objectives of the Act.'' 29 C.F.R. §1903.1. The General Counsel has stated his intention to follow, where not inconsistent with the CAA, the enforcement policies of the Secretary, which would include the policy on employee rescue activities. Thus, this policy will be expressly stated as part of the final procedural regulations at section 4.11(f), as requested by the commenters. However, so that such policies are consistent with the Secretary's part 1903 regulations, the final regulations will add the proviso of section 1903.1, 29 C.F.R., that, to the extent statements in these regulations at section 4.01 set forth general enforcement policies they may be modified in specific circumstances by the General Counsel on the same terms as similar enforcement policies of the Secretary.

F. Regulations governing inspections, citations, and notices in the case of Member retirement, defeat, and office moves.

A commenter has requested regulations that would specify the employing office to whom the General Counsel should issue citations and notices in cases where circumstances have changed since the time of the alleged violation, such as when a Member dies, retires, or is not reelected, or when an employing office moves from one office to another. After considering the matter, the Executive Director has determined that it would be inappropriate to issue procedural rules governing these issues. The hypothetical situations posited by the commenter are better addressed by the General Counsel and ultimately, the Board, in the context of actual cases. When and if the situations hypothesized by the commenter occur, the General Counsel and the Board are better positioned to make determinations based on the facts presented. See *NLRB* v. *Bell Aerospace Co.*, 416 U.S. 267, 294–95 (1974) (use of adjudication rather than rulemaking within agency discretion).

G. Technical and nomenclature changes.

Commenters have suggested a number of technical and nomenclature corrections in the language of the proposed regulations. The Executive Director has considered all of these suggestions and, as appropriate, has adopted them.

H. Additional comments.

One of the commenters requested that the Executive Director review several proposed changes in procedural rules suggested by commenters in response to the earlier July 11, 1996 Notice of Proposed Rulemaking and either promulgate regulations to address these issues or supply a written response as to why such regulations are not necessary. These suggestions included: (1) changes in the special procedures for the Architect of the Capitol and Capitol Police; (2) a rule allowing parties to negotiate changes to the Agreement to Mediate; (3) a procedure by which the parties, instead of the Executive Director, would select Hearing Officers; (4) procedures by which the Office would notify employing offices of various matters; (5) additional requirements for the filing of a complaint; (6) changes in counseling procedures; and (7) a procedure which would allow parties to petition for the recusal of individual Board members.

As stated in the preamble of the Notice of Adoption of Amendments to Procedural Rules, such comments and suggestions were not the subject of or germane to the proposals made in that rulemaking. 142 Cong. R. H10672, H10674 and S10980, S10981 (daily ed., Sept. 19, 1996). Nor are they here. The Notice of this rulemaking clearly stated that the proposed revisions and additions to the procedural rules were intended to provide for the implementation of Parts B and C of title II of the CAA, which were generally effective

on January 1, 1997, and to establish procedures for consideration of matters arising under those parts.

As stated in the September 19, 1996 Notice of Adoption of Amendments, the Office, like most agencies, reviews its policies and procedures on an ongoing bases. Where its experience suggests that additional or amended procedures are needed, it will modify its policies and propose amendments to its procedures, to the extent appropriate under the CAA.

Signed at Washington, D.C. on this 18th day of April, 1997.

RICKY SILBERMAN,
Executive Director,
Office of Compliance.

IV. Text of adopted amendments to procedural rules.

§ 1.01 Scope and Policy.

These rules of the Office of Compliance govern the procedures for consideration and resolution of alleged violations of the laws made applicable under Parts A, B, C, and D of title II of the Congressional Accountability Act of 1995. The rules include procedures for counseling, mediation, and for electing between filing a complaint with the Office of Compliance and filing a civil action in a district court of the United States. The rules also address the procedures for variances and compliance, investigation and enforcement under Part C of title II and procedures for the conduct of hearings held as a result of the filing of a complaint and for appeals to the Board of Directors of the Office of Compliance from Hearing Officer decisions, as well as other matters of general applicability to the dispute resolution process and to the operations of the Office of Compliance. It is the policy of the Office that these rules shall be applied with due regard to the rights of all parties and in a manner that expedites the resolution of disputes.

§ 1.02(i).

(i) *Party.* The term ''party'' means: (1) an employee or employing office in a proceeding under Part A of title II of the Act; (2) a charging individual, an entity alleged to be responsible for correcting a violation, or the General Counsel in a proceeding under Part B of title II of the Act; (3) an employee, employing office, or as appropriate, the General Counsel in a proceeding under Part C of title II of the Act; or (4) a labor organization, individual employing office or employing activity, or, as appropriate, the General Counsel in a proceeding under Part D of title II of the Act.

§ 1.03(a)(3).

(3) *Faxing documents.* Documents transmitted by FAX machine will be deemed filed on the date received at the Office at 202–426–1913, or, in the case of any document to be filed or submitted to the General Counsel, on the date received at the Office of the General Counsel at 202–426–1663. A FAX filing will be timely only if the document is *received* no later than 5:00 PM Eastern Time on the last day of the applicable filing period. Any party using a FAX machine to file a document bears the responsibility for ensuring both that the document is timely and accurately transmitted and confirming that the Office has received a facsimile of the document. The party or individual filing the document may rely on its FAX status report sheet to show that it filed the document in a timely manner, provided that the status report indicates the date of the FAX, the receiver's FAX number, the number of pages included in the FAX, and that transmission was completed.

§ 1.04(d).

(d) Final decisions. Pursuant to section 416(f) of the Act, a final decision entered by a Hearing Officer or by the Board under section 405(g) or 406(e) of the Act, which is in favor of the complaining covered employee, or in favor of the charging party under section 210 of the Act, or reverses a Hearing Officer's decision in favor of a complaining covered employee or charging party, shall be made public, except as otherwise ordered by the Board. The Board may make public any other decision at its discretion.

§ 1.05(a).

(a) An employee, other charging individual or party, a witness, a labor organization, an employing office, or an entity alleged to be responsible for correcting a violation wishing to be represented by another individual must file with the Office a written notice of designation of representative. The representative may be, but is not required to be, an attorney.

§ 1.07(a).

(a) *In General.* Section 416(a) of the CAA provides that counseling under section 402 shall be strictly confidential, except that the Office and a covered employee may agree to notify the employing office of the allegations. Section 416(b) provides that all mediation shall be strictly confidential. Section 416(c) provides that all proceedings and deliberations of hearing officers and the Board, including any related records shall be confidential, except for release of records necessary for judicial actions, access by certain committees of Congress, and, in accordance with section 416(f), publication of certain final decisions. Section 416(c) does not apply to proceedings under section 215 of the Act, but does apply to the deliberations of hearing officers and the Board under section 215. See also sections 1.06, 5.04 and 7.12 of these rules.

Subpart D—Compliance, Investigation, Enforcement and Variance Procedures Under Section 215 of the CAA (Occupational Safety and Health Act of 1970)

Inspections, Citations, and Complaints

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4.02 Authority for inspection
4.03 Request for inspection by employees and employing offices
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INSPECTIONS, CITATIONS AND COMPLAINTS

§ 4.01 Purpose and scope.

The purpose of sections 4.01 through 4.15 of this subpart is to prescribe rules and procedures for enforcement of the inspection and citation provisions of section 215(c)(1) through (3) of the CAA. For the purpose of sections 4.01 through 4.15, references to the ''General Counsel'' include any authorized representative of the General Counsel. In situations where sections 4.01 through 4.15 set forth general enforcement policies rather than substantive or procedural rules, such policies may be modified in specific circumstances where the General Counsel or the General Counsel's designee determines that an alternative course of action would better serve the objectives of section 215 of the CAA.

§ 4.02 Authority for Inspection.

(a) Under section 215(c)(1) of the CAA, upon written request of any employing office or covered employee, the General Counsel is authorized to enter without delay and at reasonable times any place of employment under the jurisdiction of an employing office; to inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, any such place of employment, and all pertinent conditions, structures, machines, apparatus, devices, equipment and materials therein; to question privately any employing office, operator, agent or employee; and to review records required by the CAA and regulations promulgated thereunder, and other records which are directly related to the purpose of the inspection.

(b) Prior to inspecting areas containing information which is classified by an agency of the United States Government (and/or by any congressional committee or other authorized entity within the Legislative Branch) in the interest of national security, and for which security clearance is required as a condition for access to the area(s) to be inspected, the individual(s) conducting the inspection shall have obtained the appropriate security clearance.

§ 4.03 Requests for inspections by employees and covered employing offices.

(a) *By covered employees and representatives.*

(1) Any covered employee or representative of covered employees who believes that a violation of section 215 of the CAA exists in any place of employment under the jurisdiction of employing offices may request an inspection of such place of employment by giving notice of the alleged violation to the General Counsel. Any such notice shall be reduced to writing on a form available from the Office, shall set forth with reasonable particularity the grounds for the notice, and shall be signed by the employee or the representative of the employees. A copy shall be provided to the employing office or its agent by the General Counsel or the General Counsel's designee no later than at the time of inspection, except that, upon the written request of the person giving such notice, his or her name and the names of individual employees referred to therein shall not appear in such copy or on any record published, released, or made available by the General Counsel.

(2) If upon receipt of such notification the General Counsel's designee determines that the notice meets the requirements set forth in subparagraph (1) of this section, and that there are reasonable grounds to believe that the alleged violation exists, he or she shall cause an inspection to be made as soon as practicable, to determine if such alleged violation exists. Inspections under this section shall not be limited to matters referred to in the notice.

(3) Prior to or during any inspection of a place of employment, any covered employee or representative of employees may notify the General Counsel's designee, in writing, of any violation of section 215 of the CAA which he or she has reason to believe exists in such place of employment. Any such notice shall comply with the requirements of subparagraph (1) of this section.

(b) *By employing offices.* Upon written request of any employing office, the General Counsel or the General Counsel's designee shall inspect and investigate places of employment under the jurisdiction of employing offices under section 215(c)(1) of the CAA. Any such requests shall be reduced to writing on a form available from the Office.

§4.04 Objection to inspection.

Upon a refusal to permit the General Counsel's designee, in exercise of his or her official duties, to enter without delay and at reasonable times any place of employment or any place therein, to inspect, to review records, or to question any employing office, operator, agent, or employee, in accordance with section 4.02 or to permit a representative of employees to accompany the General Counsel's designee during the physical inspection of any workplace in accordance with section 4.07, the General Counsel's designee shall terminate the inspection or confine the inspection to other areas, conditions, structures, machines, apparatus, devices, equipment, materials, records, or interviews concerning which no objection is raised. The General Counsel's designee shall endeavor to ascertain the reason for such refusal, and shall immediately report the refusal and the reason therefor to the General Counsel, who shall take appropriate action.

§4.05 Entry not a waiver.

Any permission to enter, inspect, review records, or question any person, shall not imply or be conditioned upon a waiver of any cause of action or citation under section 215 of the CAA.

§4.06 Advance notice of inspections.

(a) Advance notice of inspections may not be given, except in the following situations: (1) in cases of apparent imminent danger, to enable the employing office to abate the danger as quickly as possible; (2) in circumstances where the inspection can most effectively be conducted after regular business hours or where special preparations are necessary for an inspection; (3) where necessary to assure the presence of representatives of the employing office and employees or the appropriate personnel needed to aid in the inspection; and (4) in other circumstances where the General Counsel determines that the giving of advance notice would enhance the probability of an effective and thorough inspection.

(b) In the situations described in paragraph (a) of this section, advance notice of inspections may be given only if authorized by the General Counsel, except that in cases of apparent imminent danger, advance notice may be given by the General Counsel's designee without such authorization if the General Counsel is not immediately available. When advance notice is given, it shall be the employing office's responsibility promptly to notify the authorized representative of employees, if the identity of such representative is known to the employing office. (*See* section 4.08(b) as to situations where there is no authorized representative of employees.) Upon the request of the employing office, the General Counsel will inform the authorized representative of employees of the inspection, provided that the employing office furnishes the General Counsel's designee with the identity of such representative and with such other information as is necessary to enable him promptly to inform such representative of the inspection. Advance notice in any of the situations described in paragraph (a) of this section shall not be given more than 24 hours before the inspection is scheduled to be conducted, except in apparent imminent danger situations and in other unusual circumstances.

§4.07 Conduct of inspections.

(a) Subject to the provisions of section 4.02, inspections shall take place at such times and in such places of employment as the General Counsel may direct. At the beginning of an inspection, the General Counsel's designee shall present his or her credentials to the operator of the facility or the management employee in charge at the place of employment to be inspected; explain the nature and purpose of the inspection; and indicate generally the scope of the inspection and the records specified in section 4.02 which he or she wishes to review. However, such designation of records shall not preclude access to additional records specified in section 4.02.

(b) The General Counsel's designee shall have authority to take environmental samples and to take or obtain photographs related to the purpose of the inspection, employ other reasonable investigative techniques, and question privately, any employing office, operator, agent or employee of a covered facility. As used herein, the term ''employ other reasonable investigative techniques'' includes, but is not limited to, the use of devices to measure employee exposures and the attachment of personal sampling equipment such as dosimeters, pumps, badges and other similar devices to employees in order to monitor their exposures.

(c) In taking photographs and samples, the General Counsel's designees shall take reasonable precautions to insure that such actions with flash, spark-producing, or other equipment would not be hazardous. The General Counsel's designees shall comply with all employing office safety and health rules and practices at the workplace or location being inspected, and they shall wear and use appropriate protective clothing and equipment.

(d) The conduct of inspections shall be such as to preclude unreasonable disruption of the operations of the employing office.

(e) At the conclusion of an inspection, the General Counsel's designee shall confer with the employing office or its representative and informally advise it of any apparent safety or health violations disclosed by the inspection. During such conference, the employing office shall be afforded an opportunity to bring to the attention of the General Counsel's designee any pertinent information regarding conditions in the workplace.

(f) Inspections shall be conducted in accordance with the requirements of this subpart.

(g) *Trade Secrets.*

(1) At the commencement of an inspection, the employing office may identify areas in the establishment which contain or which might reveal a trade secret as referred to in section 15 of the OSHAct and section 1905 of title 18 of the United States Code. If the General Counsel's designee has no clear reason to question such identification, information contained in such areas, including all negatives and prints of photographs, and environmental samples, shall be labeled ''confidential—trade secret'' and shall not be disclosed by the General Counsel and/or his designees, except that such information may be disclosed to other officers or employees concerned with carrying out section 215 of the CAA or when relevant in any proceeding under section 215. In any such proceeding the hearing officer or the Board shall issue such orders as may be appropriate to protect the confidentiality of trade secrets.

(2) Upon the request of an employing office, any authorized representative of employees under section 4.08 in an area containing trade secrets shall be an employee in that area or an employee authorized by the employing office to enter that area. Where there is no such representative or employee, the General Counsel's designee shall consult with a reasonable number of employees who work in that area concerning matters of safety and health.

§4.08 Representatives of employing offices and employees.

(a) The General Counsel's designee shall be in charge of inspections and questioning of persons. A representative of the employing office and a representative authorized by its employees shall be given an opportunity to accompany the General Counsels designee during the physical inspection of any workplace for the purpose of aiding such inspection. The General Counsel's designee may permit additional employing office representatives and additional representatives authorized by employees to accompany the designee where he or she determines that such additional representatives will further aid the inspection. A different employing office and employee representative may accompany the General Counsel's designee during each different phase of an inspection if this will not interfere with the conduct of the inspection.

(b) The General Counsel's designee shall have authority to resolve all disputes as to who is the representative authorized by the employing office and employees for the purpose of this section. If there is no authorized representative of employees, or if the General Counsel's designee is unable to determine with reasonable certainty who is such representative, he or she shall consult with a reasonable number of employees concerning matters of safety and health in the workplace.

(c) The representative(s) authorized by employees shall be an employee(s) of the employing office. However, if in the judgment of the General Counsel's designee, good cause has been shown why accompaniment by a third party who is not an employee of the employing office (such as an industrial hygienist or a safety engineer) is reasonably necessary to the conduct of an effective and thorough physical inspection of the workplace, such third party may accompany the General Counsel's designee during the inspection.

(d) The General Counsel's designee may deny the right of accompaniment under this section to any person whose conduct interferes with a fair and orderly inspection. With regard to information classified by an agency of the U.S. Government (and/or by any congressional committee or other authorized entity within the Legislative Branch) in the interest of national security, only persons authorized to have access to such information may accompany the General Counsel's designee in areas containing such information.

§4.09 Consultation with employees.

The General Counsel's designee may consult with employees concerning matters of occupational safety and health to the extent he or she deems necessary for the conduct of an effective and thorough inspection. During the course of an inspection, any employee shall be afforded an opportunity to bring any violation of section 215 of the CAA which he or she has reason to believe exists in the workplace to the attention of the General Counsel's designee.

§4.10 Inspection not warranted; informal review.

(a) If the General Counsel's designee determines that an inspection is not warranted because there are no reasonable grounds to believe that a violation or danger exists with respect to a notice of violation under section 4.03(a), he or she shall notify the party giving the notice in writing of such determination. The complaining party may obtain review of such determination by submitting a written statement of position with the General Counsel and, at the same time, providing the employing office with a copy of such statement by certified mail. The employing office may submit an opposing written statement of position with the General Counsel and, at the same time, providing the complaining party with a copy of such statement by certified mail. Upon the request of the complaining party or the employing office, the General Counsel, at his or her discretion, may hold an informal conference in which the complaining party and the employing office may orally present their views. After considering all written and oral views presented, the General Counsel shall affirm, modify, or reverse the designee's determination and furnish the complaining party and the employing office with written notification of this decision and the reasons therefor. The decision of the General Counsel shall be final and not reviewable.

(b) If the General Counsel's designee determines that an inspection is not warranted because the requirements of section 4.03(a)(1) have not been met, he or she shall notify the complaining party in writing of such determination. Such determination shall be without prejudice to the filing of a new notice of alleged violation meeting the requirements of section 4.03(a)(1).

§4.11 Citations.

(a) If, on the basis of the inspection, the General Counsel believes that a violation of any requirement of section 215 of the CAA, or of any standard, rule or order promulgated pursuant to section 215 of the CAA, has occurred, he or she shall issue a citation to the employing office responsible for correction of the violation, as determined under section 1.106 of the Board's regulations implementing section 215 of the CAA, either a citation or a notice of de minimis violations that have no direct or immediate relationship to safety or health. An appropriate citation or notice of de minimis violations shall be issued even though after being informed of an alleged violation by the General Counsel, the employing office immediately abates, or initiates steps to abate, such alleged violation. Any citation shall be issued with reasonable promptness after termination of the inspection. No citation may be issued under this section after the expiration of 6 months following the occurrence of any alleged violation.

(b) Any citation shall describe with particularity the nature of the alleged violation, including a reference to the provision(s) of the CAA, standard, rule, regulation, or order alleged to have been violated. Any citation shall also fix a reasonable time or times for the abatement of the alleged violation.

(c) If a citation or notice of de minimis violations is issued for a violation alleged in a request for inspection under section 4.03(a)(1), or a notification of violation under section 4.03(a)(3), a copy of the citation or notice of de minimis violations shall also be sent to the employee or representative of employees who made such request or notification.

(d) After an inspection, if the General Counsel determines that a citation is not warranted with respect to a danger or violation alleged to exist in a request for inspection under section 4.03(a)(1) or a notification of violation under section 4.03(a)(3), the informal review procedures prescribed in 4.15 shall be applicable. After considering all views presented, the General Counsel shall affirm the previous determination, order a reinspection, or issue a citation if he or she believes that the inspection disclosed a violation. The General Counsel shall furnish the party that submitted the notice and the employing office with written notification of the determination and the reasons therefor. The determination of the General Counsel shall be final and not reviewable.

(e) Every citation shall state that the issuance of a citation does not constitute a finding that a violation of section 215 has occurred.

(f) No citation may be issued to an employing office because of a rescue activity undertaken by an employee of that employing office with respect to an individual in imminent danger unless:

(1)(i) Such employee is designated or assigned by the employing office to have responsibility to perform or assist in rescue operations, and

(ii) The employing office fails to provide protection of the safety and health of such employee, including failing to provide appropriate training and rescue equipment; or

(2)(i) Such employee is directed by the employing office to perform rescue activities in the course of carrying out the employee's job duties, and

(ii) The employing office fails to provide protection of the safety and health of such employee, including failing to provide appropriate training and rescue equipment; or

(3)(i) Such employee is employed in a workplace that requires the employee to carry out duties that are directly related to a workplace operation where the likelihood of life-threatening accidents is foreseeable, such as a workplace operation where employees are located in confined spaces or trenches, handle hazardous waste, respond to emergency situations, perform excavations, or perform construction over water; and

(ii) Such employee has not been designated or assigned to perform or assist in rescue operations and voluntarily elected to rescue such an individual; and

(iii) The employing office has failed to instruct employees not designated or assigned to perform or assist in rescue operations of the arrangements for rescue, not to attempt rescue, and of the hazards of attempting rescue without adequate training or equipment.

(4) For the purpose of this policy, the term ''imminent danger'' means the existence of any condition or practice that could reasonably be expected to cause death or serious physical harm before such condition or practice can be abated.

§4.12 Imminent danger.

(a) Whenever and as soon as a designee of the General Counsel concludes on the basis of an inspection that conditions or practices exist in any place of employment which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided for by section 215(c), he or she shall inform the affected employees and employing offices of the danger and that he or she is recommending the filing of a petition to restrain such conditions or practices and for other appropriate relief in accordance with section 13(a) of the OSHAct, as applied by section 215(b) of the CAA. Appropriate citations may be issued with respect to an imminent danger even though, after being informed of such danger by the General Counsel's designee, the employing office immediately eliminates the imminence of the danger and initiates steps to abate such danger.

§4.13 Posting of citations.

(a) Upon receipt of any citation under section 215 of the CAA, the employing office shall immediately post such citation, or a copy thereof, unedited, at or near each place an alleged violation referred to in the citation occurred, except as provided below. Where, because of the nature of the employing office's operations, it is not practicable to post the citation at or near each place of alleged violation, such citation shall be posted, unedited, in a prominent place where it will be readily observable by all affected employees. For example, where employing offices are engaged in activities which are physically dispersed, the citation may be posted at the location to which employees report each day. Where employees do not primarily work at or report to a single location, the citation may be posted at the location from which the employees operate to carry out their activities. The employing office shall take steps to ensure that the citation is not altered, defaced, or covered by other material. Notices of de minimis violations need not be posted.

(b) Each citation, or a copy thereof, shall remain posted until the violation has been abated, or for 3 working days, whichever is later. The pendency of any proceedings regarding the citation shall not affect its posting responsibility under this section unless and until the Board issues a final order vacating the citation.

(c) An employing office to whom a citation has been issued may post a notice in the same location where such citation is posted indicating that the citation is being contested before the Board, and such notice may explain the reasons for such contest. The employing office may also indicate that specified steps have been taken to abate the violation.

§4.14 Failure to correct a violation for which a citation has been issued; notice of failure to correct violation; complaint.

(a) If the General Counsel determines that an employing office has failed to correct an alleged violation for which a citation has been issued within the period permitted for its correction, he or she may issue a notification to the employing office of such failure prior to filing a complaint against the employing office under section 215(c)(3) of the CAA. Such notification shall fix a reasonable time or times for abatement of the alleged violation for which the citation was issued and shall be posted in accordance with section 4.13 of these rules. Nothing in these rules shall require the General Counsel to issue such a notification as a prerequisite to filing a complaint under section 215(c)(3) of the CAA.

(b) If after issuing a citation or notification, the General Counsel believes that a violation has not been corrected, the General Counsel may file a complaint with the Office against the employing office named in the citation or notification pursuant to section 215(c)(3) of the CAA. The complaint shall be submitted to a hearing officer for decision pursuant to subsections (b) through (h) of section 405, subject to review by the Board pursuant to section 406. The procedures of sections 7.01 through 7.16 of these rules govern complaint proceedings under this section.

§4.15 Informal conferences.

At the request of an affected employing office, employee, or representative of employees, the General may hold an informal conference for the purpose of discussing any issues raised by an inspection, citation, or notice issued by the General Counsel. Any settlement entered into by the parties at such

conference shall be subject to the approval of the Executive Director under section 414 of the CAA and section 9.05 of these rules. If the conference is requested by the employing office, an affected employee or the employee's representative shall be afforded an opportunity to participate, at the discretion of the General Counsel. If the conference is requested by an employee or representative of employees, the employing office shall be afforded an opportunity to participate, at the discretion of General Counsel. Any party may be represented by counsel at such conference.

RULES OF PRACTICE FOR VARIANCES, LIMITATIONS, VARIATIONS, TOLERANCES, AND EXEMPTIONS

§4.20 Purpose and scope.

Sections 4.20 through 4.31 contain rules of practice for administrative proceedings to grant variances and other relief under sections 6(b)(6)(A) and 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, as applied by section 215(c)(4) of the CAA.

§4.21 Definitions.

As used in sections 4.20 through 4.31, unless the context clearly requires otherwise—

(a) *OSHAct* means the Williams-Steiger Occupational Safety and Health Act of 1970, as applied to covered employees and employing and employing offices under section 215 of the CAA.

(b) *Party* means a person admitted to participate in a hearing conducted in accordance with this subpart. An applicant for relief and any affected employee shall be entitled to be named parties. The General Counsel shall be deemed a party without the necessity of being named.

(c) *Affected employee* means an employee who would be affected by the grant or denial of a variance, limitation, tolerance, or exemption, or any one of the employee's authorized representatives, such as the employee's collective bargaining agent.

§4.22 Effect of variances.

All variances granted pursuant to this part shall have only future effect. In its discretion, the Board may decline to entertain an application for a variance on a subject or issue concerning which a citation has been issued to the employing office involved and a proceeding on the citation or a related issue concerning a proposed period of abatement is pending before the General Counsel, a hearing officer, or the Board until the completion of such proceeding.

§4.23 Public notice of a granted variance, limitation, variation, tolerance, or exemption.

The Board will transmit every final action granting a variance, limitation, variation, tolerance, or exemption under this part of the Speaker of the House of Representatives and the President pro tempore of the Senate with a request that such final action be published in the Congressional record. Every such final action shall specify the alternative to the standard involved which the particular variance permits.

§4.24 Form of documents.

(a) Any applications for variances and other papers which are filed in proceedings under sections 4.20 through 4.31 of these rules shall be written or typed. All applications for variances and other papers filed in variance proceedings shall be signed by the applying employing office, by its attorney or other authorized representative, and shall contain the information required by sections 4.25 or 4.26 of these rules, as applicable.

§4.25 Applications for temporary variances and other relief.

(a) *Application for variance.* Any employing office, or class of employing offices, desiring a variance from a standard, or portion thereof, authorized by section 6(b)(6)(A) of the OSHAct, as applied by section 215 of the CAA, may file a written application containing the information specified in paragraph (b) of this section with the Board. Pursuant to section 215(c)(4) of the CAA, the Board shall refer any matter appropriate for hearing to a hearing officer under subsections (b) through (h) of section 405, subject to review by the Board pursuant to section 406. The procedures set forth at sections 7.01 through 7.16 of these rules shall govern hearings under this subpart.

(b) *Contents.* An application filed pursuant to paragraph (a) of this section shall include:

(1) The name and address of the applicant;

(2) The address of the place or places of employment involved;

(3) A specification of the standard or portion thereof from which the applicant seeks a variance;

(4) A representation by the applicant, supported by representations from qualified persons having first-hand knowledge of the facts represented, that the applicant is unable to comply with the standard or portion thereof by its effective date and a detailed statement of the reasons thereof;

(5) A statement of the steps the applicant has taken and will take, with specific dates where appropriate, to protect employees against the hazard covered by the standard;

(6) A statement of when the applicant expects to be able to comply with the standard and of what steps the applicant has taken and will take, with specific dates where appropriate, to come into compliance with the standard;

(7) A statement of the facts the applicant would show to establish that (i) the applicant is unable to comply with a standard by its effective date because of unavailability of professional or technical personnel or of materials and equipment needed to come into compliance with the standard or because necessary construction or alternation of facilities cannot be completed by the effective date; (ii) the applicant is taking all available steps to safeguard its employees against the hazards covered by the standard; and (iii) the applicant has an effective program for coming into compliance with the standard as quickly as practicable;

(8) A statement that the applicant has informed its affected employees of the application by giving a copy thereof to their authorized representative, posting a statement, giving a summary of the application and specifying where a copy may be examined, at the place or places where notices to employees are normally posted, and by other appropriate means; and

(9) A description of how affected employees have been informed of the application and of their right to petition the Board for a hearing.

(c) *Interim order*—(1) *Application.* An application may also be made for an interim order to be effective until a decision is rendered on the application for the variance filed previously or concurrently. An application for an interim order may include statements of fact and arguments as to why the order should be granted. The hearing officer to whom the Board has referred the application may rule ex parte upon the application.

(2) *Notice of denial of application.* If an application filed pursuant to paragraph (c)(1) of this section is denied, the applicant shall be given prompt notice of the denial, which shall include, or be accompanied by, a brief statement of the grounds therefor.

(3) *Notice of the grant of an interim order.* If an interim order is granted, a copy of the order shall be served upon the applicant for the order and other parties and the terms of the order shall be transmitted by the Board to the Speaker of the House of Representatives and the President pro tempore of the Senate with a request that the order be published in the Congressional Record. It shall be a condition of the order that the affected employing office shall give notice thereof to affected employees by the same means to be used to inform them of an application for a variance.

§4.26 Applications for permanent variances and other relief.

(a) *Application for variance.* Any employing office, or class of employing offices, desiring a variance authorized by section 6(d) of the OSHAct, as applied by section 215 of the CAA, may file a written application containing the information specified in paragraph (b) of this section, with the Board. Pursuant to section 215(c)(4) of the CAA, the Board shall refer any matter appropriate for hearing to a hearing officer under subsections (b) through (h) of section 405, subject to review by the Board pursuant to section 406.

(b) *Contents.* An application filed pursuant to paragraph (a) of this section shall include:

(1) The name and address of the applicant;

(2) The address of the place or places of employment involved;

(3) A description of the conditions, practices, means, methods, operations, or processes used or proposed to be used by the applicant;

(4) A statement showing how the conditions, practices, means, methods, operations, or processes used or proposed to be used would provide employment and places of employment to employees which are as safe and healthful as those required by the standard from which a variance is sought;

(5) A certification that the applicant has informed its employees of the application by (i) giving a copy thereof to their authorized representative; (ii) posting a statement giving a summary of the application and specifying where a copy may be examined, at the place or places where notices to employees are normally posted (or in lieu of such summary, the posting of the application itself); and (iii) by other appropriate means; and

(6) A description of how employees have been informed of the application and of their right to petition the Board for a hearing.

(c) *Interim order*—(1) *Application.* An application may also be made for an interim order to be effective until a decision is rendered on the application for the variance filed previously or concurrently. An application for an interim order may include statements of fact and arguments as to why the order should be granted. The hearing officer to whom the Board has referred the application may rule ex parte upon the application.

(2) *Notice of denial of application.* If an application filed pursuant to paragraph (c)(1) of this section is denied, the applicant shall be given prompt notice of the denial, which shall include, or be accompanied by, a brief statement of the grounds therefor.

(3) *Notice of the grant of an interim order.* If an interim order is granted, a copy of the order shall be served upon the applicant for the order and other parties, and the terms of the order shall be transmitted by the Board to the Speaker of the House of Representatives and the President pro tempore of the Senate with a request that the order be published in the Congressional Record. It shall be a condition of the order that the affected employing office shall give notice thereof to affected employees by the same means to be used to inform them of an application for a variance.

§4.27 Modification or revocation of orders.

(a) *Modification or revocation.* An affected employing office or an affected employee may apply in writing to the Board for a modification or revocation of an order issued

under section 6(b)(6)(A), or 6(d) of the OSHAct, as applied by section 215 of the CAA. The application shall contain:

(i) The name and address of the applicant;

(ii) A description of the relief which is sought;

(iii) A statement setting forth with particularly the grounds for relief;

(iv) If the applicant is an employing office, a certification that the applicant has informed its affected employees of the application by:

a. Giving a copy of thereof to their authorized representative;

b. Posting at the place or places where notices to employees are normally posted, a statement giving a summary of the application and specifying where a copy of the full application may be examined (or, in lieu of the summary, posting the application itself); and

c. Other appropriate means.

(v) If the applicant is an affected employee, a certification that a copy of the application has been furnished to the employing office; and

(vi) Any request for a hearing, as provided in this part.

(b) *Renewal.* Any final order issued under section 6(b)(6)(A) of the OSHAct, as applied by section 215 of the CAA, may be renewed or extended as permitted by the applicable section and in the manner prescribed for its issuance.

§ 4.28 Action on applications.

(a) *Defective applications.* (1) If an application filed pursuant to sections 4.25(a), 4.26(a), or 4.27 does not conform to the applicable section, the hearing officer or the Board, as applicable, may deny the application.

(2) Prompt notice of the denial of an application shall be given to the applicant.

(3) A notice of denial shall include, or be accompanied by, a brief statement of the grounds for the denial.

(4) a denial of an application pursuant to this paragraph shall be without prejudice to the filing of another application.

(b) *Adequate applications.* (1) If an application has not been denied pursuant to paragraph (a) of this section, the Office shall cause to be published a notice of the filing of the application, which the Board will transmit to the Speaker of the House of Representatives and the President pro tempore of the Senate with a request that the order be published in the Congressional Record.

(2) A notice of the filing of an application shall include:

(i) The terms, or an accurate summary, of the application;

(ii) a reference to the section of the OSHAct applied by section 215 of the CAA under which the application has been filed;

(iii) an invitation to interested persons to submit within a stated period of time written data, views, or arguments regarding the application; and

(iv) information to affected employing offices, employees, and appropriate authority having jurisdiction over employment or places of employment covered in the application of any right to request a hearing on the application.

§ 4.29 Consolidation of proceedings.

On the motion of the hearing officer or the Board or that of any party, the hearing officers or the Board may consolidate or contemporaneously consider two or more proceedings which involve the same or closely related issues.

§ 4.30 Consent findings and rules or orders.

(a) *General.* At any time before the reception of evidence in any hearing, or during any hearing a reasonable opportunity may be afforded to permit negotiation by the parties of an agreement containing consent findings and a rule or order disposing of the whole or any part of the proceeding. The allowance of such opportunity and the duration thereof shall be in the discretion of the hearing officer, after consideration of the nature of the proceeding, the requirements of the public interest, the representations of the parties, and the probability of an agreement which will result in a just disposition of the issues involved.

(b) *Contents.* Any agreement containing consent findings and rule or order disposing of a proceeding shall also provide:

(1) That the rule or order shall have the same force and effect as if made after a full hearing;

(2) That the entire record on which any rule or order may be based shall consist solely of the application and the agreement;

(3) A waiver of any further procedural steps before the hearing officer and the Board; and

(4) A waiver of any right to challenge or contest the validity of the findings and of the rule or order made in accordance with the agreement.

(c) *Submission.* On or before the expiration of the time granted for negotiations, the parties or their counsel may:

(1) Submit the proposed agreement to the hearing officer for his or her consideration; or

(2) Inform the hearing officer that agreement cannot be reached.

(d) *Disposition.* In the event an agreement containing consent findings and rule or order is submitted within the time allowed therefore, the hearing officer may accept such agreement by issuing his or her decision based upon the agreed findings.

§ 4.31 Order of Proceedings and Burden of Proof.

(a) *Order of proceeding.* Except as may be ordered otherwise by the hearing officer, the party applicant for relief shall proceed first at a hearing.

(b) *Burden of proof.* The party applicant shall have the burden of proof.

§ 5.01(a)(2)

(a)(2) The General Counsel may file a complaint alleging a violation of section 210, 215 or 220 of the Act.

§ 5.01(b)(2)

(b)(2) A complaint may be filed by the General Counsel.

(i) after the investigation of a charge filed under section 210 or 220 of the Act, or

(ii) after the issuance of a citation or notification under section 215 of the Act.

§ 5.01(c)(2)

(c)(2) *Complaints filed by the General Counsel.* A complaint filed by the General Counsel shall be in writing, signed by the General Counsel or his designee and shall contain the following information:

(i) the name, address and telephone number of, as applicable, (A) each entity responsible for correction of an alleged violation of section 210(b), (B) each employing office alleged to have violated section 215, or (C) each employing office and/or labor organization alleged to have violated section 220, against which complaint is brought:

(ii) notice of the charge filed alleging a violation of section 210 or 220 and/or issuance of a citation or notification under section 215;

(iii) a description of the acts and conduct that are alleged to be violations of the Act, including all relevant dates and places and the names and titles of the responsible individuals; and

(iv) a statement of the relief or remedy sought.

§ 5.01(d)

(d) Amendments to the complaint may be permitted by the Office or, after assignment, by a Hearing Officer, on the following conditions: that all parties to the proceeding have adequate notice to prepare to meet the new allegations; that the amendments, as appropriate, relate to the violations for which the employee has completed counseling and mediation, or relate to the charge(s) investigated and/or the citation or notification issued by the General Counsel; and that permitting such amendments will not unduly prejudice the rights of the employing office, the labor organization, or other parties, unduly delay the completion of the hearing or otherwise interfere with or impede the proceedings.

§ 5.04 Confidentiality

Pursuant to section 416(c) of the Act, except as provided in sub-sections 416(d), (e) and (f), all proceedings and deliberations of Hearing Officers and the Board, including any related records, shall be confidential. Section 416(c) does not apply to proceedings under section 215 of the Act, but does apply to the deliberations of Hearing Officers and the Board under section 215. A violation of the confidentiality requirements of the Act and these rules could result in the imposition of sanctions. Nothing in these rules shall prevent the Executive Director from reporting statistical information to the Senate and House of Representatives, so long as that statistical information does not reveal the identity of the employees involved or of employing offices that are subject of a matter. *See also* sections 1.06, 1.07 and 7.12 of these rules.

§ 7.07(f)

(f) If the Hearing Officer concludes that a representative of an employee, a witness, a charging party, a labor organization, an employing office, or an entity alleged to be responsible for correcting a violation has a conflict of interest, he or she may, after giving the representative an opportunity to respond, disqualify the representative. In that event, within the time limits for hearing and decision established by the Act, the affected party shall be afforded reasonable time to retain other representation.

§ 7.12

Pursuant to section 416 of the Act, all proceedings and deliberations of Hearing Officers and the Board, including the transcripts of hearings and any related records, shall be confidential, except as specified in section 416(d), (e), and (f) of the Act. All parties to the proceeding and their representatives, and witnesses who appear at the hearing, will be advised of the importance of confidentiality in this process and of their obligations, subject to sanctions, to maintain it. This provision shall not apply to proceedings under section 215 of the Act, but shall apply to the deliberations of Hearing Officers and the Board under that section.

§ 8.03(a)

(a) Unless the Board has, in its discretion, stayed the final decision of the Office during the pendency of an appeal pursuant to section 407 of the Act, and except as provided in sections 210(d)(5) and 215(c)(6), a party required to take any action under the terms of a final decision of the Office shall carry out its terms promptly, and shall within 30 days after the decision or order becomes final and goes into effect by its terms, provide the Office and all other parties to the proceedings with a compliance report specifying the manner in which compliance with the provisions of the decision or order has been accomplished. If complete compliance has not been accomplished within 30 days, the party required to take any such action shall submit a compliance report specifying why compliance with any provision of the decision or order has not yet been fully accomplished,

the steps being taken to assure full compliance, and the anticipated date by which full compliance will be achieved.

§8.04 Judicial Review

Pursuant to section 407 of the Act,

(a) the United States Court of Appeals for the Federal Circuit shall have jurisdiction over any proceeding commenced by a petition of:

(1) a party aggrieved by a final decision of the Board under section 406(e) in cases arising under part A of title II;

(2) a charging individual or respondent before the Board who files a petition under section 210(d)(4);

(3) the General Counsel or a respondent before the Board who files a petition under section 215(c)(5); or

(4) the General Counsel or a respondent before the Board who files a petition under section 220(c)(3) of the Act.

(b) The U.S. Court of Appeals for the Federal Circuit shall have jurisdiction over any petition of the General Counsel, filed in the name of the Office and at the direction of the Board, to enforce a final decision under section 405(g) or 406(e) with respect to a violation of part A, B, C, or D of title II of the Act.

(c) The party filing a petition for review shall serve a copy on the opposing party or parties or their representative(s).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2957. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Onions Grown in South Texas; Amendment of Sunday Packing and Loading Prohibitions [Docket No. FV97–959–1 IFR] received April 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2958. A communication from the President of the United States, transmitting his requests for emergency fiscal year 1997 supplemental appropriations for emergency expenses related to the devastating flooding in North Dakota, South Dakota, and Minnesota, and to designate the amounts made available as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, pursuant to 31 U.S.C. 1107 (H. Doc. No. 105–71); to the Committee on Appropriations and ordered to be printed.

2959. A letter from the Comptroller General of the United States, the General Accounting Office, transmitting a review of the President's second and third special impoundment message for fiscal year 1997, pursuant to 2 U.S.C. 685 (H. Doc. No. 105–76); to the Committee on Appropriations and ordered to be printed.

2960. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of April 1, 1997, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 105–75); to the Committee on Appropriations and ordered to be printed.

2961. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation entitled ''Eligibility for the Defense Experimental Program to Stimulate Competitive Research''; to the Committee on National Security.

2962. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation entitled ''Nuclear Attack Submarines''; to the Committee on National Security.

2963. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the 1996 annual report to Congress by the Division of Compliance and Consumer Affairs of the FDIC, pursuant to 15 U.S.C. 57a(f)(6); to the Committee on Banking and Financial Services.

2964. A letter from the Acting Assistant Secretary for Employment and Training, Department of Labor, transmitting the Department's final rule—Training and Employment (Employment and Training Administration) [Guidance Letter Nos. 6–96 and 7–96] received April 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2965. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Placer County Air Pollution Control District [CA 126–0032a; FRL–5815–5] received April 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2966. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans: State of Washington [WA60–7135a; WA61–7136a; and WA63–7138a; FRL–5812–7] received April 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2967. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; New Jersey; Consumer and Commercial Products Rule [Region II Docket No. NJ26–2–165, FRL–5813–9] received April 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2968. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Australia for defense articles and services (Transmittal No. 97–10), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

2969. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report entitled ''Country Reports on Human Rights Practices for 1996,'' pursuant to 22 U.S.C. 215ln(d); to the Committee on International Relations.

2970. A letter from the Executive Director, District of Columbia Financial Responsibility and Management Assistance Authority, transmitting the Authority's report entitled ''Toward a More Equitable Relationship: Structuring the District of Columbia's State Functions''; to the Committee on Government Reform and Oversight.

2971. A letter from the Commissioner, Bureau of Reclamation, Department of the Interior, transmitting a report on the necessity to construct modifications to Lost Creek Dam, Weber Basin Project, UT, for safety reasons, pursuant to 43 U.S.C. 509; to the Committee on Resources.

2972. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; Ocean Salmon Fisheries Off the Coast of Washington, Oregon, and California; Inseason Adjustments, Cape Falcon, OR, to the Oregon-California Border [Docket No. 960429120–6120–01; I.D. 040897A] received April 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2973. A letter from the Acting Director, Office of Surface Mining and Reclamation Enforcement, transmitting the Office's final rule—North Dakota Regulatory Program [SPATS No. ND–034, Amendment No. XXIII] received April 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2974. A letter from the Acting Director, Office of Surface Mining and Reclamation Enforcement, transmitting the Office's final rule—Arkansas Regulatory Program and Abandoned Mine Land Reclamation Plan [SPATS No. AR–027–FOR] received April 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2975. A letter from the Acting Director, Office of Surface Mining and Reclamation Enforcement, transmitting the Office's final rule—Texas Regulatory Program [SPATS No. TX–030–FOR] received April 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2976. A letter from the Director, Office of Global Programs, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—NOAA Climate and Global Change Program, Program Announcement [Docket No. 970324067–7067–01] (RIN: 0648–ZA29) received April 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

2977. A letter from the Fiscal Assistant Secretary, the Board of Trustees, Federal Hospital Insurance Trust Fund, transmitting the 1977 annual report of the Board of Trustees of the Federal Hospital Insurance Trust Fund, pursuant to 42 U.S.C. 401(c)(2), 1395i(b)(2), and 1395t(b)(2) (H. Doc. No. 105–73); to the Committee on Ways and Means and ordered to be printed.

2978. A letter from the Board of Trustees, Federal Old-Age and Survivors Insurance and Disability Insurance Trust Funds, Transmitting the 1997 annual report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds, pursuant to 42 U.S.C. 401(c)(2), 1395i(b)(2), and 1385t(b)(2) (H. Doc. No. 105–72); to the Committee on Ways and Means and ordered to be printed.

2979. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Medical Savings Accounts [Rev. Rul. 97–20] received April 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2980. A letter from the Executive Director, Office of Compliance, transmitting notice of adoption of amendments to the Procedural Rules of the Office for printing in the CONGRESSIONAL RECORD, pursuant to Public Law 104–1, section 303(b) (109 Stat. 28); jointly, to the Committees on House Oversight and Education and the Workforce.

2981. A letter from the Board of Trustees, Federal Supplementary Medical Insurance Trust Fund, transmitting the 1997 annual report of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund, pursuant to 42 U.S.C. 401(c)(2), 1395i(b)(2) (H. Doc. No. 105–74); jointly, to the Committees on Ways and Means and Commerce, and ordered to be printed.

2982. A letter from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation entitled the ''Public Housing Management Reform Act of 1997''; jointly, to the Committees on Banking and Financial Services, Ways and Means, Education and the Workforce, and the Judiciary.

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. YOUNG of Alaska: Committee on Resources. H.R. 408. A bill to amend the Marine Mammal Protection Act of 1972 to support the International Dolphin Conservation Program in the eastern tropical Pacific Ocean, and for other purposes; with an amendment (Rept. 105–74 Pt. 1). Ordered to be printed.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 478. A bill to amend the Endangered Species Act of 1973 to improve the ability of individuals and local, State, and Federal agencies to comply with that act in building, operating, maintaining, or repairing flood control projects, facilities, or structures; with amendments (Rept. 105–75). Referred to the Committee of the Whole House on the State of the Union.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 408. A bill to amend the Marine Mammal Protection Act of 1972 to support the International Dolphin Conservation Program in the eastern tropical Pacific Ocean, and for other purposes; with an amendment; referred to the Committee on Ways and Means for a period ending not later than May 5, 1997, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(s), rule X.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and caluse 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HORN (for himself, Mr. DREIER, Mr. FOLEY, Mr. BILBRAY, Mr. CALVERT, Mr. CUNNINGHAM, Mr. ENGLISH of Pennsylvania, Mr. GALLEGLY, Mr. LEWIS of California, Mr. MCKEON, Mr. PACKARD, Mr. RIGGS, Mr. ROYCE, Mr. STEARNS, Mr. STUMP, Mr. TRAFICANT, and Mr. HUNTER):

H.R. 1428. A bill to amend the Immigration and Nationality Act to establish a system through which the Commissioner of Social Security and the Attorney General respond to inquiries made by election officials concerning the citizenship of voting registration applicants and to amend the Social Security Act to permit States to require individuals registering to vote in elections to provide the individual's Social Security number; to the Committee on the Judiciary; and in addition to the Committees on House Oversight, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHUSTER (for himself, Mr. OBERSTAR, Mr. KIM, and Mr. TRAFICANT):

H.R. 1429. A bill to reauthorize and amend the Appalachian Regional Development Act of 1965; to the Committee on Transportation and Infrastructure.

H.R. 1430. A bill to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILMAN (for himself, Mr. ARMEY, Mr. SOLOMON, Mr. GOSS, Mr. WELDON of Pennsylvania, and Mr. COX of California):

H.R. 1431. A bill to ensure that the enlargement of the North Atlantic Treaty Organization [NATO] proceeds in a manner consistent with United States interests, to strengthen relations between the United States and Russia, to preserve the prerogatives of the Congress with respect to certain arms control agreements, and for other purposes; to the Committee on International Relations.

By Mr. CRANE (for himself, Mr. RANGEL, Mr. MCDERMOTT, Mr. HOUGHTON, Mr. JEFFERSON, Mr. MANZULLO, Mr. EHLERS, Mr. KOLBE, Mr. DREIER, Ms. CHRISTIAN-GREEN, Mr. TOWNS, Mr. MCNULTY, Mrs. MEEK of Florida, Ms. CARSON, Mr. PAYNE, Ms. FURSE, Ms. MCKINNEY, Ms. JACKSON-LEE, Mr. FALEOMAVAEGA, Ms. NORTON, Mr. RUSH, Mr. HASTINGS of Florida, Mr. HALL of Ohio, Mr. DELLUMS, Mr. FORD, Mr. FOGLIETTA, Mr. FATTAH, Mr. BISHOP, Mr. HILLIARD, Mrs. CLAYTON, Mr. OWENS, Mr. SCOTT, Mr. HINCHEY, Mr. BISHOP, Mr. HILLIARD, Mr. OWENS, Mr. SCOTT, Mr. HINCHEY, and Mr. BEREUTER):

H.R. 1432. A bill to authorize a new trade and investment policy for sub-Saharan African; to the Committee on International Relations, and in addition to the Committees on Ways and Means, and Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAZIO of New York (for himself and Mr. KENNEDY of Massachusetts):

H.R. 1433. A bill to protect the financial interests of the Federal Government through debt restructuring and subsidy reduction in connection with multifamily housing; to enhance the effectiveness of enforcement provisions relating to single family and multifamily housing, including amendments to the bankruptcy code; to consolidate and reform the management of multifamily housing programs; and for other purposes; to the Committee on Banking and Financial Services, and in addition to the Committees on Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HERGER:

H.R. 1434. A bill to amend the Internal Revenue Code of 1986 to authorize the Secretary of the Treasury to postpone certain tax-related deadlines in the case of taxpayers affected by a Presidentially declared disaster, and for other purposes; to the Committee on Ways and Means.

By Mr. CLAY (for himself, Mr. MILLER of California, Mr. MARTINEZ, Mr. OWENS, Mr. PAYNE, Mr. ANDREWS, Mr. SCOTT, Mr. ROMERO-BARCELO, Mr. FATTAH, Mr. HINOJOSA, Mrs. MCCARTHY of New York, Mr. TIERNEY, Ms. SANCHEZ, Mr. FORD, Mr. KUCINICH, Mr. LEWIS of Georgia, Ms. WATERS, Mr. HILLIARD, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RANGEL, Mr. STOKES, Mr. BISHOP, Ms. BROWN of Florida, Ms. CARSON, Mrs. CLAYTON, Mr. CLYBURN, Mr. CUMMINGS, Mr. DIXON, Mr. FLAKE, Ms. MCKINNEY, Mrs. MEEK of Florida, Ms. NORTON, Mr. RUSH, Mr. TOWNS, Mr. WYNN, Mr. SERRANO, Mr. DAVIS of Illinois, and Ms. CHRISTIAN-GREEN):

H.R. 1435. A bill to amend the Higher Education Act of 1965 to improve the access to and affordability of higher education, and for other purposes; to the Committee on Education and the Workforce.

By Mr. CLAY (for himself, Mr. KILDEE, Mr. MARTINEZ, Mr. OWENS, Mr. PAYNE, Mr. ANDREWS, Mr. SCOTT, Mr. ROMERO-BARCELO, Mr. FATTAH, Mr. HINOJOSA, Mrs. MCCARTHY of New York, Ms. SANCHEZ, Mr. FORD, Mr. KUCINICH, Mr. BONIOR, Mr. LEWIS of Georgia, Ms. WATERS, Mr. HILLIARD, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RANGEL, Mr. STOKES, Mr. BISHOP, Ms. BROWN of Florida, Ms. CARSON, Mrs. CLAYTON, Mr. CUMMINGS, Mr. DIXON, Ms. MCKINNEY, Mrs. MEEK of Florida, Ms. NORTON, Mr. RUSH, Mr. TOWNS, Mr. SERRANO, Mr. WYNN, Mr. DAVIS of Illinois, and Ms. CHRISTIAN-GREEN):

H.R. 1436. A bill to assist local communities in the renewal of their public schools; to the Committee on Education and the Workforce.

By Mr. CASTLE (for himself, Mrs. JOHNSON of Connecticut, Mr. CARDIN, Mr. BACHUS, Mr. DEFAZIO, Mr. BOEHLERT, Mr. MCGOVERN, Mr. NEAL of Massachusetts, Mr. SERRANO, Mr. BEREUTER, Mr. LAHOOD, Mr. LEWIS of Georgia, and Mr. OLVER):

H.R. 1437. A bill to amend the Internal Revenue Code of 1986 to provide for the establishment of an intercity passenger rail trust fund, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DEGETTE (for herself, Mr. RIGGS, Mr. HANSEN, Mr. WAXMAN, Mr. MEEHAN, Ms. FURSE, Mr. OBERSTAR, Mr. COOK, Mr. MCDERMOTT, Ms. NORTON, Mr. OLVER, Mrs. TAUSCHER, Mr. LEWIS of Georgia, Mr. CASTLE, Ms. CHRISTIAN-GREEN, Mr. MCHALE, Mr. TIERNEY, Mr. UNDERWOOD, Mr. MILLER of California, Mr. DEFAZIO, and Mrs. LINDA SMITH of Washington):

H.R. 1438. A bill to prohibit the Federal Government from providing insurance, reinsurance, or noninsured crop disaster assistance for tobacco; to the Committee on Agriculture.

By Mr. DOOLITTLE:

H.R. 1439. A bill to facilitate the sale of certain land in Tahoe National Forest, in the State of California to Placer County, CA; to the Committee on Resources.

By Mr. ENGEL (for himself and Mrs. MCCARTHY of New York):

H.R. 1440. A bill to require the Department of Education to provide links to databases of information concerning scholarships and fellowships; to the Committee on Education and the Workforce.

By Mr. ENGLISH of Pennsylvania:

H.R. 1441. A bill to amend the Internal Revenue Code of 1986 with respect to discharge of indebtedness income from prepayment of loans under section 306B of the Rural Electrification Act of 1936; to the Committee on Ways and Means.

By Mr. GONZALEZ (for himself and Mrs. MALONEY of New York):

H.R. 1442. A bill to amend the Federal Reserve Act to expand the opportunity for private enterprise to compete with the Board of Governors of the Federal Reserve System in the provision of check-clearing and other services, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. HOUGHTON (for himself, Mr. KLECZKA, Mr. BUNNING of Kentucky,

Mr. HERGER, Mr. CRANE, Mr. ENGLISH of Pennsylvania, Mr. CHRISTENSEN, Mr. MCCRERY, Mr. MCNULTY, Mrs. KENNELLY of Connecticut, Mr. NEAL of Massachusetts, Ms. DUNN of Washington, Mr. WELLER, Mr. MATSUI, and Mr. SHAW):

H.R. 1443. A bill to amend the Revenue Act of 1987 to provide a permanent extension of the transition rule for certain publicly traded partnerships; to the Committee on Ways and Means.

By Mr. KENNEDY of Massachusetts (for himself, Mr. OLVER, Mr. SERRANO, Mr. TOWNS, Mr. UNDERWOOD, Mr. THOMPSON, Ms. BROWN of Florida, Mr. FOX of Pennsylvania, Mr. FROST, Mr. FALEOMAVAEGA, Mr. MCGOVERN, Mr. DELLUMS, and Mr. BISHOP):

H.R. 1444. A bill to establish a grant program to install safety devices and improve safety at convenience stores; to the Committee on the Judiciary.

By Mr. KING of New York (for himself and Mrs. MCCARTHY of New York):

H.R. 1445. A bill to amend the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide for continued eligibility for supplemental security income and food stamps with regard to certain classifications of aliens; to the Committee on Ways and Means, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KLUG (for himself, Mr. SENSENBRENNER, Mr. BARRETT of Wisconsin, Mr. KLECZKA, Mr. OBEY, and Mr. KIND of Wisconsin):

H.R. 1446. A bill to require the Secretary of the Navy to terminate the operation of the Extremely Low Frequency Communications System of the Navy; to the Committee on National Security.

By Mr. LAZIO of New York (for himself and Mr. KENNEDY of Massachusetts) (both by request):

H.R. 1447. A bill to reform the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes; to the Committee on Banking and Financial Services, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Georgia:

H.R. 1448. A bill to improve the control of outdoor advertising in areas adjacent to the Interstate System, the National Highway System, and certain other federally assisted highways, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. LEWIS of Georgia (for himself, Mr. FARR of California, Mr. STARK, Mrs. MINK of Hawaii, Mr. DELLUMS, Mr. LIPINSKI, and Ms. CHRISTIAN-GREEN):

H.R. 1449. A bill to amend the Internal Revenue Code of 1986 to impose an annual tax on outdoor advertising to provide funding for surface transportation programs, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MILLER of California (for himself, Mr. LIPINSKI, Mr. KLECZKA, Mr. BERMAN, Mr. STARK, Mr. PALLONE, Mr. ABERCROMBIE, Mr. DINGELL, Mr. MCGOVERN, Mr. KUCINICH, Mr. CLAY, Mr. HINCHEY, Mr. OLVER, Mr. EVANS, Mrs. MINK of Hawaii, Ms. MCKINNEY, Ms. PELOSI, Mrs. CLAYTON, Mr. DELLUMS, Ms. CHRISTIAN-GREEN, Mr. GEJDENSON, Mr. KIND of Wisconsin, Mr. SANDERS, Mr. FRANK of Massachusetts, Mr. HEFNER, Mr. LANTOS, Mr. SPRATT, and Mr. BROWN of Ohio):

H.R. 1450. A bill to provide certain requirements for labeling textile fiber products and to implement minimum wage and immigration requirements in the Commonwealth of the Northern Mariana Islands; to the Committee on Resources.

By Mr. MORAN of Virginia (for himself, Mr. PAYNE, Mr. SERRANO, Mr. WOLF, Mrs. MORELLA, Mr. SCOTT, Mr. COYNE, Mr. UNDERWOOD, Mr. MILLER of California, Mr. DELLUMS, Mr. MCDERMOTT, Mr. BENTSEN, Mr. FAZIO of California, Ms. JACKSON-LEE, Mr. HALL of Ohio, Ms. NORTON, Ms. MCKINNEY, Mr. BORSKI, Ms. RIVERS, Mr. THOMPSON, Ms. LOFGREN, Mr. STRICKLAND, Mr. ACKERMAN, Mr. BOUCHER, Mrs. MALONEY of New York, Mr. GREEN, and Mrs. THURMAN):

H.R. 1451. A bill to amend the Public Health Service Act with respect to research regarding the health of children; to the Committee on Commerce.

By Mrs. MORELLA (for herself, Mr. KENNEDY of Massachusetts, Ms. NORTON, Mr. MARTINEZ, Mr. OWENS, Mr. FOX of Pennsylvania, and Mr. MORAN of Virginia):

H.R. 1452. A bill to amend part E of title IV of the Social Security Act to provide for demonstration projects to test the feasibility of establishing kinship care as an alternative to foster care for a child who has adult relatives willing to provide safe and appropriate care for the child, and to require notice to adult relative caregivers; to the Committee on Ways and Means.

By Mr. PALLONE (for himself, Mr. SHAYS, Mr. DEFAZIO, Mr. GILCHREST, and Mrs. MORELLA):

H.R. 1453. A bill to amend the Federal Water Pollution Control Act to improve the enforcement and compliance programs; to the Committee on Transportation and Infrastructure.

By Mr. RIGGS:

H.R. 1454. A bill to prohibit the Administrator of the Federal Aviation Administration from closing certain flight service stations; to the Committee on Transportation and Infrastructure.

By Mr. RUSH (for himself, Mr. FROST, Ms. CHRISTIAN-GREEN, Mrs. MINK of Hawaii, Ms. DEGETTE, Ms. LOFGREN, Mr. GONZALEZ, Mr. SAWYER, Mr. ACKERMAN, Ms. WATERS, Mr. TOWNS, Mr. RANGEL, Mr. HILLIARD, and Ms. KILPATRICK):

H.R. 1455. A bill to preserve the eligibility for Federal loans and guarantees of disabled children whose supplemental security income benefits are terminated by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; to the Committee on Government Reform and Oversight.

By Mr. THORNBERRY:

H.R. 1456. A bill to amend title 10, United States Code, to improve the access to military treatment facilities for retired members of the uniformed services, and their dependents, who are over 65 years of age, to provide for Medicare reimbursement for health care services provided to such persons, and, as an alternative health care approach, to permit such persons to enroll in the Federal Employees Health Benefits program; to the Committee on Ways and Means, and in addition to the Committees on Commerce, National Security, and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. THURMAN (for herself, Mr. STARK, Mr. SHAW, and Mr. DAVIS of Florida):

H.R. 1457. A bill to amend title XVIII of the Social Security Act to improve efforts to combat fraud and abuse under the Medicare Program for suppliers of durable medical equipment, home health agencies, and other providers through disclosure of information on ownership interests and requirement for a surety bond; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIAHRT (for himself and Mr. WATTS of Oklahoma):

H.R. 1458. A bill to amend the Federal Election Campaign Act of 1971 to prohibit labor organizations from using funds withheld from wages for activities related to a campaign for election for Federal office; to the Committee on House Oversight.

By Mr. TIAHRT (for himself and Mr. BURTON of Indiana) (both by request):

H.R. 1459. A bill to amend part E of title IV of the Social Security Act to prevent children from languishing in foster care; to the Committee on Ways and Means.

By Mr. UNDERWOOD:

H.R. 1460. A bill to allow for election of the Delegate from Guam by other than separate ballot, and for other purposes; to the Committee on Resources.

By Mr. VENTO (for himself, Mr. PETERSON of Minnesota, Mr. OBERSTAR, Mr. SABO, Mr. POMEROY, and Mr. MINGE):

H.R. 1461. A bill to facilitate recovery from the recent flooding of the Red River and its tributaries by providing greater flexibility for depository institutions and their regulators, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. VISCLOSKY:

H.R. 1462. A bill to authorize the Administrator of the Environmental Protection Agency to establish a pilot project providing loans to States to establish revolving loans for the environmental cleanup of brownfield sites in distressed areas that have the potential to attract private investment and create local employment; to the Committee on Commerce.

By Mr. RANGEL:

H.J. Res. 73. Joint resolution proposing an amendment to the Constitution of the United States respecting the right to a home; to the Committee on the Judiciary.

By Mr. KIM:

H. Con. Res. 66. Concurrent resolution authorizing the use of the Capitol Grounds for the 16th annual National Peace Officers' Memorial Service; to the Committee on Transportation and Infrastructure.

H. Con. Res. 67. Concurrent resolution authorizing the 1997 Special Olympics Torch Relay to be run through the Capitol Grounds; to the Committee on Transportation and Infrastructure.

By Mr. THOMAS:

H. Res. 129. Resolution providing amounts for the expenses of certain committees of the House of Representatives in the 105th Congress; to the Committee on House Oversight.

By Mr. GUTKNECHT:

H. Res. 130. Resolution providing for a lump sum allowance for the Corrections Calendar Office; considered and agreed to.

By Mr. KENNEDY of Massachusetts (for himself, Mr. GEPHARDT, Mr.

FRANK of Massachusetts, Mr. TIERNEY, Mr. MARKEY, Ms. DEGETTE, Mr. ABERCROMBIE, Mr. CLEMENT, Ms. DELAURO, Mr. HALL of Ohio, Ms. JACKSON-LEE, Mr. DELLUMS, Mr. BARRETT of Wisconsin, Ms. NORTON, Mr. SAWYER, Mr. CONYERS, Mr. LAFALCE, Mr. OLVER, Mr. NEAL of Massachusetts, Mr. MEEHAN, Mr. LEWIS of Georgia, Mr. DELAHUNT, Mr. WEYGAND, Mrs. MALONEY of New York, Mr. ACKERMAN, Mr. SCHUMER, Mr. NADLER, Mr. MCGOVERN, Ms. RIVERS, Mr. COYNE, Ms. PELOSI, Mr. PALLONE, Ms. LOFGREN, Mr. GONZALEZ, Mr. FORD, Mr. PAYNE, Ms. STABENOW, Mrs. TAUSCHER, Mr. POSHARD, Mr. DAVIS of Illinois, Mr. BORSKI, Mr. CLAY, Mr. OBERSTAR, Mrs. MINK of Hawaii, Mr. MOAKLEY, Mrs. CLAYTON, Mr. HILLIARD, Mr. ALLEN, Mr. HINCHEY, Mr. MORAN of Virginia, Mr. SERRANO, Mr. FLAKE, Mr. BENTSEN, and Mr. BONIOR):

H. Res. 131. Resolution expressing the sense of the House of Representatives that the Federal commitment to early childhood development programs should be supported by sufficient funding to meet the needs of infants and toddlers in the areas of health, nutrition, education, and child care; to the Committee on Education and the Workforce.

By Mr. SANDERS (for himself, Ms. WATERS, Mr. GEJDENSON, Mr. PALLONE, Mr. DELLUMS, Mr. FILNER, and Ms. CHRISTIAN-GREEN):

H. Res. 132. Resolution expressing the sense of the House of Representatives against reductions in Social Security benefits and arbitrary reductions in the Consumer Price Index; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

53. By the SPEAKER: Memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution 63 memorializing Congress to address the pragmatic and budgetary shortfalls that have plagued the Nuclear Waste Program; to the Committee on Commerce.

54. Also, memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution 88 memorializing the Clinton administration and Congress to support legislation authorizing States to restrict the amount of solid waste they import from other States; to the Committee on Commerce.

55. Also, memorial of the Legislature of the State of Montana, relative to House Joint Resolution 7 which supports full membership in the United Nations for the Republic of China on Taiwan; to the Committee on International Relations.

56. Also, memorial of the Senate of the State of Georgia, relative to Senate Resolution 180 urging the U.S. Congress to adopt the balanced budget amendment; to the Committee on the Judiciary.

57. Also, memorial of the General Assembly of the Commonwealth of Virginia, relative to Senate Joint Resolution 307 memorializing Congress to take appropriate steps to reimburse the States for the costs of services provided illegal aliens; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 2: Mr. HILL, Ms. PRYCE of Ohio, Mr. SENSENBRENNER, and Mr. OXLEY.

H.R. 15: Mr. FAWELL, Mr. KING of New York, Mr. TOWNS, and Mr. SPENCE.

H.R. 38: Mr. STUPAK and Mr. PALLONE.

H.R. 64: Mr. THOMAS.

H.R. 66: Mr. RUSH, Mr. MCINTOSH, and Mr. CRAMER.

H.R. 107: Mr. YOUNG of Florida, Mr. STUPAK, Mr. CRAMER, and Mr. MICA.

H.R. 122: Mr. DOOLITTLE, Mr. BOEHNER, Mr. ARMEY, Mr. COBURN, Mr. ROYCE, Mr. BARTLETT of Maryland, and Mr. NEY.

H.R. 135: Mr. BORSKI, Mr. LAMPSON, and Mr. MOLLOHAN.

H.R. 145: Ms. ROS-LEHTINEN, Mr. SANDLIN, Mr. TIERNEY, Mr. JOHNSON of Wisconsin, Ms. RIVERS, and Mr. LATOURETTE.

H.R. 150: Mr. RUSH, Ms. DELAURO, and Mr. MILLER of California.

H.R. 155: Mr. LAMPSON.

H.R. 158: Mr. TALENT, Mr. FROST, Mr. NEY, and Mr. BLILEY.

H.R. 159: Mr. BLILEY.

H.R. 176: Mr. FROST, Mr. MANTON, and Mr. HANSEN.

H.R. 192: Mr. NETHERCUTT, Mr. EVERETT, Mr. MASCARA, Mr. WELLER, Mr. NEY, and Mr. KING of New York.

H.R. 209: Mrs. MCCARTHY of New York and Mr. NEY.

H.R. 219: Mr. ENSIGN, Mr. MATSUI, Mr. FRANKS of New Jersey, Mr. JONES, Mr. DOOLEY of California, Mr. WEXLER, Mr. FRELINGHUYSEN, Mr. RADANOVICH, Mr. JOHN, Mr. FROST, Mr. GEJDENSON, Mr. WATKINS, Mr. DELAHUNT, Mr. BUNNING of Kentucky, Ms. ESHOO, Ms. NORTON, Mr. COMBEST, Mr. FILNER, Mr. YOUNG of Alaska, and Mr. KNOLLENBERG.

H.R. 248: Mr. TIAHRT.

H.R. 279: Mr. GOODLING and Mr. OLVER.

H.R. 299: Mr. MATSUI and Mr. COYNE.

H.R. 303: Mr. YOUNG of Florida and Mr. RILEY.

H.R. 339: Mr. ADAM SMITH of Washington and Mr. SOUDER.

H.R. 347: Mr. COBLE.

H.R. 371: Mr. LUCAS of Oklahoma and Mr. WATT of North Carolina.

H.R. 383: Mr. CAPPS and Mr. WICKER.

H.R. 406: Mr. ROTHMAN.

H.R. 414: Mr. NETHERCUTT, Mr. DIAZ-BALART, Mr. EVERETT, Mr. MASCARA, Mr. WELLER, and Mr. NEY.

H.R. 450: Mr. HAYWORTH, Mr. CHRISTENSEN, Mr. MALONEY of Connecticut, and Mr. NEAL of Massachusetts.

H.R. 475: Mr. MILLER of Florida.

H.R. 479: Mr. BLUNT, Mr. NETHERCUTT, Mr. MILLER of Florida, Mr. FROST, Mr. DEFAZIO, Mr. RIGGS, Mr. LAMPSON, Mr. LEWIS of Georgia, and Mr. WEXLER.

H.R. 482: Mr. WYNN.

H.R. 493: Mr. FOGLIETTA and Mr. GRAHAM.

H.R. 519: Mr. SHAW, Ms. STABENOW, and Mr. BEREUTER.

H.R. 530: Mr. CASTLE, Mr. BACHUS, Mr. CRANE, and Mr. HULSHOF.

H.R. 546: Mr. SCHUMER.

H.R. 566: Mr. RUSH, Mr. DELLUMS, and Mr. MCGOVERN.

H.R. 586: Mr. COSTELLO, Mr. DAVIS of Florida, Mr. RANGEL, Mr. REYES, Mr. YOUNG of Alaska, and Ms. HARMAN.

H.R. 587: Mr. LEWIS of Georgia.

H.R. 598: Mr. BROWN of California.

H.R. 611: Ms. HOOLEY of Oregon, Mr. KIND of Wisconsin, Mr. FLAKE, Mr. BOUCHER, Mrs. JOHNSON of Connecticut, Mr. UPTON, Mr. KUCINICH, Mr. FOGLIETTA, and Mr. WEXLER.

H.R. 617: Mr. TOWNS, Mr. FRANK of Massachusetts, Mr. MCDERMOTT, Mr. LAMPSON, and Mr. RANGEL.

H.R. 628: Mr. STUMP.

H.R. 630: Ms. MILLENDER-MCDONALD.

H.R. 659: Mr. LATHAM and Mr. HOSTETTLER.

H.R. 674: Mr. DAVIS of Illinois, Mrs. CLAYTON, Mr. HUTCHINSON, Mr. DREIER, and Mr. SCARBOROUGH.

H.R. 695: Mr. GORDON, Mr. HUTCHINSON, Ms. RIVERS, Mr. SNOWBARGER, and Mrs. TAUSCHER.

H.R. 722: Mr. CHRISTENSEN, Mr. FRELINGHUYSEN, Mr. SHAYS, Ms. PRYCE of Ohio, Mr. MICA, and Mr. NORWOOD.

H.R. 723: Mr. GANSKE and Mrs. NORTHUP.

H.R. 753: Mr. CLYBURN, Mr. BLAGOJEVICH, Mrs. MEEK of Florida, Ms. WOOLSEY, Mr. KUCINICH, Mr. COYNE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SHAYS and Mrs. TAUSCHER.

H.R. 756: Mr. JONES and Mr. HASTINGS of Florida.

H.R. 775: Ms. KILPATRICK.

H.R. 778: Mr. WAXMAN.

H.R. 779: Mr. WAXMAN.

H.R. 780: Mr. WAXMAN.

H.R. 786: Mr. RILEY.

H.R. 816: Mr. RILEY.

H.R. 850: Mr. FOGLIETTA, Mr. TOWNS, Mr. SERRANO, Mr. FROST, Mr. MILLER of California, Mr. FILNER, Ms. CHRISTIAN-GREEN, Mr. MANTON, Mr. BOEHLERT, Mr. QUINN, Mr. ACKERMAN, Mr. FLAKE, and Ms. WATERS.

H.R. 866. Mr. KNOLLENBERG and Mr. STEARNS.

H.R. 867: Mr. BUNNING of Kentucky, Mr. ENSIGN, Mr. HERGER, Mr. WELLER, Mr. DELAY, and Mr. MCHALE.

H.R. 871: Mr. BISHOP.

H.R. 876: Mr. JEFFERSON, Mr. PAPPAS, Mr. DAVIS of Virginia, and Mr. SNOWBARGER.

H.R. 901: Mr. BARTON of Texas, Mr. DREIER, and Mr. GANSKE.

H.R. 902: Mrs. NORTHUP and Mr. ADERHOLT.

H.R. 907: Mr. LEWIS of Georgia.

H.R. 910: Mr. DELLUMS and Ms. KAPTUR.

H.R. 911: Mr. KLECZKA, Mr. GEKAS, Mr. RILEY, Mr. LANTOS, and Mr. SOLOMON.

H.R. 915: Mr. SPRATT, Mr. BORSKI, Ms. WATERS, Mr. GRAHAM, and Mrs. TAUSCHER.

H.R. 946: Mr. HUTCHINSON and Mr. LUCAS of Oklahoma.

H.R. 956: Mr. GINGRICH.

H.R. 964: Mr. GOODE, Mr. PETERSON of Minnesota, Mr. EWING, Mr. CUNNINGHAM, Mr. CLEMENT, and Ms. DANNER.

H.R. 965: Mr. HALL of Texas, Mr. POMEROY, Ms. DUNN of Washington, and Mr. CUNNINGHAM.

H.R. 983: Ms. WOOLSEY.

H.R. 991: Mrs. TAUSCHER.

H.R. 1004: Mr. BLILEY, Mr. WATTS of Oklahoma, Mr. GREENWOOD, Mr. TALENT, Mr. SENSENBRENNER, Mr. TAYLOR of North Carolina, Mr. CHABOT, Mr. LATHAM, Mr. HUTCHINSON, Mrs. MYRICK, Mr. HILL, Mr. MCKEON, Mr. HANSEN, and Mr. INGLIS of South Carolina.

H.R. 1009: Mr. COOKSEY and Mr. CRAPO.

H.R. 1015: Mr. YATES and Ms. KILPATRICK.

H.R. 1016: Mr. LARGENT and Mr. BERRY.

H.R. 1035: Mr. MCDADE and Mr. HOLDEN.

H.R. 1037: Mr. MATSUI, Mr. FROST, Mr. KOLBE, and Mr. HEFNER.

H.R. 1046: Mr. CONYERS.

H.R. 1054: Ms. RIVERS, Mr. RIGGS, and Mr. POMBO.

H.R. 1060: Mr. RADANOVICH, Mr. EDWARDS, Mr. RAMSTAD, and Mr. DEUTSCH.

H.R. 1062: Mr. TAUZIN.

H.R. 1068: Mr. COBURN, Mr. PAUL, Mr. PICKETT, and Mr. RIGGS.

H.R. 1070: Ms. CHRISTIAN-GREEN, Mr. OBERSTAR, Mrs. MALONEY of New York, Mr. SANDERS, Mr. YATES, Mr. RANGEL, Mr. FROST, and Mr. GREEN.

H.R. 1071: Mr. THOMPSON.

H.R. 1104: Ms. SLAUGHTER, Mr. BROWN of California, Mr. HILLIARD, Mr. MCINTYRE, Mr. PAYNE, Mr. BLAGOJEVICH, Mr. CUMMINGS, Ms. KILPATRICK, Mr. FALEOMAVAEGA, Ms.

DEGETTE, Mr. DEUTSCH, Mr. DELAHUNT, Mrs. KENNELLY of Connecticut, Mr. ENGEL, Mr. RAHALL, Mrs. CLAYTON, Ms. RIVERS, Mr. MALONEY of Connecticut, Mr. MOAKLEY, Mr. SANDERS, Mr. FLAKE, Mr. THOMPSON, Mr. LAMPSON, and Mr. DELLUMS.

H.R. 1117: Mr. LEWIS of Georgia, Mr. BROWN of California, Mr. ABERCROMBIE, and Mr. POSHARD.

H.R. 1120: Ms. PELOSI, Mr. FORD, Mr. MCDERMOTT, and Mr. DELLUMS.

H.R. 1132: Mr. BROWN of Ohio, Mr. MOAKLEY, Mr. MORAN of Virginia, Mr. KLUG, Mr. MCGOVERN, Mr. ENGEL, Mr. SANDERS, Mrs. MALONEY of New York, Mrs. MORELLA, and Ms. LOFGREN.

H.R. 1147: Mr. DICKEY.

H.R. 1164: Mr. ENGLISH of Pennsylvania, Mr. GILMAN, Mr. WICKER, Mr. DEAL of Georgia, Mr. HEFNER, Mr. PAUL, Mr. CLYBURN, and Mrs. EMERSON.

H.R. 1172: Mr. GOODE, Ms. GRANGER, Mr. BARR of Georgia, Mr. THORNBERRY, Mr. BASS, Mr. METCALF, Mr. COLLINS, Mrs. FOWLER, Mr. HASTINGS of Washington, Mr. TIAHRT, Mr. SCARBOROUGH, Mr. WAMP, Mr. CUNNINGHAM, Mr. KLUG, Mr. BRYANT, Mr. GRAHAM, Mr. DUNCAN, Mr. LARGENT, Mr. CHRISTENSEN, Mr. GUTKNECHT, Mr. DOOLITTLE, Mr. CHAMBLISS, and Mr. NEUMANN.

H.R. 1175: Mr. HERGER, Mr. DELLUMS, Mr. CUNNINGHAM, Mr. BERMAN, Mr. FILNER, Ms. LOFGREN, Ms. HARMAN, Mr. BILBRAY, Mr. GALLEGLY, Mr. CALVERT, Mrs. TAUSCHER, Mr. CAMPBELL, Mr. DIXON, Mr. RIGGS, Mr. HORN, Mr. TORRES, and Mr. PACKARD.

H.R. 1176: Mr. OWENS, Mr. NADLER, and Mr. DIXON.

H.R. 1181: Mr. COYNE, Mr. BORSKI, Mr. OBERSTAR, Mr. FLAKE, Mr. MCDERMOTT, Mr. MCNULTY, Mr. ENGEL, Ms. SLAUGHTER, Mr. SMITH of New Jersey, and Mr. MENENDEZ.

H.R. 1218: Mr. FRANK of Massachusetts.

H.R. 1231: Mr. HOUGHTON, Ms. DELAURO, Mr. BALDACCI, and Mr. DEFAZIO.

H.R. 1248: Mr. ROGERS.

H.R. 1258: Mr. LIPINSKI, Mr. TRAFICANT, and Mr. SESSIONS.

H.R. 1263: Mr. ABERCROMBIE, Mr. MATSUI, Mr. LAFALCE, Ms. ROYBAL-ALLARD, Mr. LEVIN, Mr. CUMMINGS, Ms. HARMAN, and Mr. WEYGAND.

H.R. 1266: Mr. WATTS of Oklahoma.

H.R. 1270: Mr. MCCOLLUM, Mr. WAMP, and Ms. KILPATRICK.

H.R. 1281: Mr. FORD, Mr. DEFAZIO, Mr. LIPINSKI, Mr. TALENT, Mr. BALDACCI, Mr. GOODE, Mr. FRANK of Massachusetts, Mr. UNDERWOOD, Mr. BARRETT of Wisconsin, Mr. EHLERS, Mr. PRICE of North Carolina, Mr. RUSH, Mr. OBERSTAR, Mr. RANGEL, Mr. GUTIERREZ, Mr. MENENDEZ, Mr. CLEMENT, Mr. PAYNE, Mrs. MINK of Hawaii, Mr. MCDERMOTT, Mr. HINCHEY, Mr. OLVER, Mr. EDWARDS, Mr. RAHALL, Mr. WAXMAN, Mr. BAESLER, Mr. KENNEDY of Rhode Island, Mr. POSHARD, Mr. ENGEL, Mr. ORTIZ, Mr. LEWIS of Georgia, Ms. DELAURO, Mr. SANDERS, Mr. BORSKI, Mr. BARCIA of Michigan, Mr. FILNER, Mr. DOOLEY of California, Mr. VISCLOSKY, Mr. MCHALE, Mr. LEVIN, Mrs. CLAYTON, Mr. BLAGOJEVICH, and Mr. COYNE.

H.R. 1283: Mr. HILL, Mr. HOBSON, Mr. DEAL of Georgia, Mr. WELDON of Pennsylvania, Mr. BLILEY, Mr. GOODE, Mr. FOLEY, Mr. BURR of North Carolina, Mr. SESSIONS, Mr. COOK, Mr. RILEY, Mrs. LINDA SMITH of Washington, Mr. ROYCE, and Mr. NETHERCUTT.

H.R. 1284: Mr. MANTON.

H.R. 1288: Ms. KILPATRICK, Mr. MCDERMOTT, Mr. RANGEL, Mr. ACKERMAN, and Mr. EVANS.

H.R. 1291: Mr. FORBES.

H.R. 1292: Mr. DELLUMS and Mrs. MALONEY of New York.

H.R. 1297: Mr. BROWN of California.

H.R. 1299: Mr. HEFNER, Mr. GORDON, Mr. MICA, Mr. BOUCHER, Mr. MCINTOSH, Mr. HOUGHTON, Mr. HAYWORTH, Mr. SNOWBARGER, Mr. BUNNING of Kentucky, Mr. PETRI, and Mr. CAMP.

H.R. 1301: Mr. FALEOMAVAEGA.

H.R. 1302: Mr. BARCIA of Michigan and Mr. FORD.

H.R. 1311: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PALLONE, Mrs. MALONEY of New York, and Mr. LIPINSKI.

H.R. 1327: Mr. SNOWBARGER, Mr. PAPPAS, and Mrs. NORTHUP.

H.R. 1338: Mr. PAPPAS.

H.R. 1349: Ms. CHRISTIAN-GREEN and Mr. RANGEL.

H.R. 1355: Ms. ROS-LEHTINEN, Mr. BUNNING of Kentucky, Mr. KENNEDY of Massachusetts, Mr. SMITH of New Jersey, Mr. FROST, Mrs. MEEK of Florida, and Mr. NEAL of Massachusetts.

H.R. 1362: Mr. NETHERCUTT, Mr. MANTON, Mr. WHITFIELD, Mr. MILLER of California, Mrs. KELLY, Mr. HILLIARD, Mr. NEY, Mr. PASCRELL, Mr. FROST, Ms. DELAURO, and Mr. KLUG.

H.R. 1375: Mr. LIPINSKI, Mr. MCNULTY, Mr. CLEMENT, and Mr. FILNER.

H.R. 1379: Mr. SMITH of Michigan and Mr. BOB SCHAFFER.

H.R. 1383: Mr. BONIOR, Mr. HILLIARD, and Mr. LIPINSKI.

H.R. 1395: Mrs. MALONEY of New York.

H.R. 1420: Mr. MILLER of California.

H. Con. Res. 35: Mr. MCINTOSH.

H. Con. Res. 65: Mr. SMITH of New Jersey, Mr. METCALF, and Mrs. KELLY.

H. Res. 22: Mr. LEWIS of Georgia, Ms. SLAUGHTER, Mr. ROTHMAN, and Mr. FALEOMAVAEGA.

H. Res. 93: Mr. BARCIA of Michigan, Mr. CAPPS, Mr. HINCHEY, Ms. RIVERS, Mr. SANDERS, and Mr. DEUTSCH.

H. Res. 104: Mrs. KELLY, Mr. OLVER, Mr. PAYNE, Mr. SERRANO, Mr. KING of New York, Mr. LANTOS, Mrs. LOWEY, Mr. FROST, and Mr. SMITH of New Jersey.

H. Res. 122: Ms. NORTON, Mr. SANDERS, Mr. RANGEL, Mr. MCCRERY, Mr. VENTO, and Mrs. NORTHUP.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows: