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# House of Representatives

The House met at 10 a.m.

The Reverend Robert Baggott III, Wayzata Community Church, Wayzata, MN, offered the following prayer:

Will you pray with me.

O God our help in ages past, our hope for years to come, our shelter from the stormy blast and our eternal home. We pause in these early morning hours to offer our prayer to You and to ask that You bend an ear and listen.

We come praying for the people of this great country, America. Those who work, study, love, and play from sea to shining sea. As decisions are contemplated by this esteemed body, may we remember the faces of these people who punch the timeclock, drive the tractor, write the brief, and teach a child. It is their passion, their hope, and vision that keeps America great. May we never forget them.

We would also pray for our dream of America, entrusted to us by our Founders to guard, exercise, and live the dream that all would live in harmony and justice would prevail. That individuals would not be judged by race, religion, or economic plight, but rather would be judged by who they are as children of God.

And we would also pray for these wise Members empowered with the awesome responsibility of keeping our American dream alive. Grant them courage when the road is rough, clarity when confusion reigns, but most of all, wisdom and decisiveness when decisions call.

We would ask these things in Your name, O God, the one who inspires us all. Amen.

## THE JOURNAL

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

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

## PLEDGE OF ALLEGIANCE

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

Mr. TURNER 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

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

## THE REVEREND ROBERT BAGGOTT III, GUEST CHAPLAIN

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

Mr. RAMSTAD. Mr. Speaker, we are privileged to have the Reverend Robert Taylor Baggott III of Wayzata, MN, as our guest chaplain today. Bob Baggott is the senior minister of my home church, Wayzata Community Church, and a close personal friend. Bob is a highly respected member of the clergy and a person of great spirituality who has touched many lives throughout our Nation.

In fact, Mr. Speaker, Bob Baggott was brought up in a Baptist church in Georgia. Bob is well known for his inspirational and insightful speaking. He is a product of one of the great preaching seminaries in our Nation, New Orleans Seminary. Reverend Baggott has a remarkable record of community outreach and religious stewardship across this land, from New Orleans and Atlanta to Chicago and Miami to Minnesota.

Bob Baggott started his ministry at Baptist Hospital in New Orleans, then received his masters of divinity degree and served as associate pastor at a Baptist church in Atlanta. From there he accepted a call from Plymouth Congregational Church in Miami, where he founded the New Life Family Shelter.

Also in Miami, Reverend Baggott served as trustee of Miami Interfaith Counseling as well as community services, Christian Community Services, that is, on top of chairing the United Protestant Appeal in Miami.

Little wonder then, Mr. Speaker, that Bob Baggott was voted Man of the Year by the Miami Christian Community Agency.

Reverend Baggott was also chosen as guest preacher at the National Cathedral here in Washington in 1989 to speak at the anniversary service for the victims of the Pan Am flight 103 tragedy.

Mr. Speaker, Reverend Baggott came to Wayzata, MN, our community, after serving as senior minister at First Congregational Church in Naperville, IL. Bob also currently serves on the National Clergy Advisory Board for the Chicago Theological Seminary.

Bob and his wife Beth, who is visiting with us today and sitting in the gallery, are both children of ministers. Bob's father is a retired senior minister of a large Baptist church in Birmingham, AL. Beth's father is a retired Lutheran pastor. Beth and Bob are the proud parents of Taylor who is here today on the floor. Taylor is an 11-year-old hockey player who is going to be a great one in Minnesota, and Peyton, who is with Beth in the gallery, his beautiful 6-year-old sister.

Mr. Speaker, it is a great pleasure and privilege for me to welcome the Reverend Robert Taylor Baggott III and his family to the House today, and we offer him our heartfelt thanks for serving as our guest chaplain.



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## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BARR of Georgia). All Members are reminded that rules of the House prohibit recognition of visitors in our galleries.

## REPORT TO MEMBERSHIP ON FLOOD AID NEGOTIATIONS

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

Mr. GINGRICH. I want to report to the House on the negotiations on flood aid, but before I do, I must report that I just learned to my great delight that Reverend Baggott was in fact a high school student of mine at Newnan where I taught a class. I was teaching in west Georgia and I taught a class in the afternoons for high school students. And it is probably a sign of how long I have been hanging out that he is now a pastor. But we are glad to have his son and daughter with us. That was an additional delight here this morning.

I want to say to all my colleagues on both sides of the aisle that we are making progress. I have been deeply committed to getting flood aid to the victims I visited in Minnesota and North Dakota. I know how important it is to get them the aid.

I was very disappointed when the President vetoed the flood aid on Monday. We believe we are very close to having it worked out and hope in the next few hours to announce and then move a supplemental appropriations bill to provide the flood aid.

But I would say for the country and for all my colleagues that insisting that the Government stay open is not a small thing; that if Senator DASCHLE will give his word today and get a unanimous consent agreement in the other body to bring up at an appropriate time a continuing resolution to keep open the Government, that he will have guaranteed that the aid will go through much more rapidly, and he has it in his power to do so; and that, frankly, ensuring that Americans are counted in the census by enumeration as the Constitution requires is not a small thing.

I believe that we will have language worked out this morning with the administration to require the census to develop a track of being able to enumerate every citizen, not just have somebody make an estimate, which can easily be politically manipulated. That is a constitutional requirement that goes back to 1790, and we have an obligation.

These are not minor issues, these are not political games. Keeping open the American Government and ensuring that every citizen is counted are important to the people of this country. We believe we have an agreement. We hope to be able to bring this bill to the floor sometime late today.

## CONGRESS SHOULD APOLOGIZE FOR SLAVERY

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

Mr. HALL of Ohio. Mr. Speaker, generations have passed since the end of slavery. In that time, Congress has done much to undo the effects of that horrible wrong, but we have never apologized. And I was stunned to learn that fact from the Congressional Research Service.

Today I will introduce a resolution apologizing to the African-Americans whose ancestors suffered as slaves. My resolution will not fix the lingering injustice resulting from slavery, but reconciliation begins with an apology. I hope this apology will be a start of a new healing between the races.

Though no one alive today is responsible for slavery, all Americans share our shameful heritage and we all suffer from the consequences of a divided Nation. Therefore, it is fitting for the Congress, as the representatives of the American people, to offer this apology. This apology is long overdue, but it is never too late to admit we were wrong and ask for forgiveness.

## DADS HOLD A SPECIAL PLACE IN OUR HEARTS

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

Mr. PITTS. Mr. Speaker, it is that time of year again when America honors its dads. This Sunday, we will celebrate Father's Day, a day to acknowledge the special place which dads hold in our hearts, a day to recognize the role dads have played as father, husband, teacher, mentor, provider, caregiver and friend.

Mr. Speaker, every American has a father, but not every American has a dad, one whom they know, love, spend time with and trust. Because of this fact, our country has suffered. Indeed, the United States is now the world's leader in fatherless families. This has taken its toll in our society.

We know men across America struggle to be good dads, and Members of this House know the sacrifices we have to make to live up to our responsibilities as fathers. Many of us are co-laborers in the struggle. Mr. Speaker, this is why several Members have joined me today to establish the Congressional Task Force on Fatherhood Promotion.

With colleagues from both sides of the aisle, the gentleman from North Carolina [Mr. MCINTYRE], the gentleman from California [Mr. ROGAN], and the gentleman from Texas [Mr. TURNER], I have established the Fatherhood Promotion Task Force, first as a result of the unsavory fact that fatherlessness is a reality for far too many American children and, second, because it is time that men who hold high places be the ones to mold a new reality. We must lead by example.

Mr. Speaker, the time has come for fathers to take hold of and be proud of their role as dad.

I wish every father a happy Father's Day and ask you: Have you loved your children today?

## AMEND THE CONSTITUTION TO PREVENT BURNING OF OLD GLORY

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

Mr. TRAFICANT. Mr. Speaker, in America it is illegal to burn trash, but we can burn the flag. In America it is illegal to remove a label from a mattress, but we can rip the stars and stripes from the flag. In America it is illegal to damage a mailbox, but we can destroy the flag.

Scholars say the Constitution allows it. Maybe so, but the original Constitution allowed slavery and treated women and Indians like cattle. Mr. Speaker, it is time to change the Constitution.

A people that do not honor and respect their flag is a people that does not honor and respect their neighbors or their country. If individuals want to make a political statement, they can burn their bras, burn their pantyhose, burn their BVD's, but they should leave Old Glory alone.

It is time to amend the Constitution.

## FATHERHOOD

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

Mr. ISTOOK. Mr. Speaker, I want to thank all the fathers who do it right. A good father should first be a good husband and show his children by example the love and respect that their mother should receive. A father is one who is there, who quietly and faithfully sees needs and fills them. From diapers to bicycles to homework to growing to adulthood, fathers must be powerful forces of leading by quiet example.

Fathers keep things strong and solid, but they keep it simple. My father set an example for hard work. He came home for dinner. He stayed with the family in the evening, but he had his own business to build and he went back to work late and would work until midnight and then be back home. He set an example.

My father helped me through college, the first to my knowledge in my whole family tree, to get a college degree.

When I married, my wife's father took it on himself to stock our kitchen and our pantry with its first set of food and supplies for us. Simple but significant.

□ 1015

I hope and pray that I will be as good a father to my five children as my father has been to his five children and

someday my two sons will be to theirs. Fathers like it simple. So to mine and all of ours, I simply say, thanks, Dad.

## FATHERHOOD PROMOTION TASK FORCE

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

Mr. MCINTYRE. Mr. Speaker, as a new Member from North Carolina, it is a high honor to serve the people in the House. Yet an even more important role in my life is that of being a father. As I approach my 14th year of being called ''Dad,'' we must all realize that fathers do make a difference in the home.

The statistics speak for themselves and are staggering. Four out of ten children in America will go home tonight without a father. The time a father spends with a child averages, one on one, only 10 minutes a day. Violent criminals too often are males who have grown in a home without a father. As leaders of our country, we must do better.

I urge my colleagues to join the Congressional Fatherhood Promotion Task Force. We will explore ways to challenge fathers to that type of commitment, not just another law or another government program, but encouraging fathers to fulfill the calling that they have in their lives.

The future of our country lies in the hands of our children. Through this task force, we will ensure that those hands are properly prepared with persistence and purpose and ready to lead. Please join us in this important mission that we not fail.

## PROTECTING THE SACRED SYMBOL OF THIS NATION, THE AMERICAN FLAG

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

Mr. GIBBONS. Mr. Speaker, I rise today, on the eve of Flag Day, in strong support of House Joint Resolution 54, a constitutional amendment to prohibit the desecration of the American flag.

More than 1 million men and women have sacrificed their lives defending this country and the freedom that it represents. It would be a great dishonor for us now to turn our backs on those who gave so much to protect the American flag and what it symbolizes. We must now fight for them in protecting the sacred symbol of this Nation.

Mr. Speaker, as a veteran of both Vietnam and the Desert Storm wars, I proudly support this legislation and urge my colleagues on both sides of the aisle to do the same.

## PROMOTION OF FATHERHOOD IS CRITICAL

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

Mr. TURNER. Mr. Speaker, as we approach this Father's Day, many of us are fortunate to reflect upon the positive influence of our own fathers and to feel the sense of joy that comes from being a father. We understand that the experience of having a father is critical to shaping our lives, and we know that there are numerous studies that have been done that point out that loving, committed fathers help children get a better start in life.

According to the Journal of Family Issues, interaction between children and their fathers improves the child's early mental development and physical well-being. We know that children who grow up with committed fathers are less likely to get involved with gangs and drugs and turn out to be better parents themselves. That is why the Book of Proverbs tells us to train the child in the way he should go, and when he is old he will not depart from it.

A group of Members in this House have joined together to form the Fatherhood Promotion Task Force for the purpose of examining Government policies to ensure that those policies promote, encourage, and support families. Every child deserves the love and care of a responsible adult, and the promotion of fatherhood is critical to our future.

## REDUCING THE TAX BURDEN ON FATHERS

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

Mr. NEUMANN. Mr. Speaker, Sunday is Father's Day, and I would like to start by paying tribute to my father, who has done such a great job in helping myself and my brothers and sisters in getting to where we are in our lives today. Certainly, without his support as we were growing up, we would not be here and would not be able to be doing the things we are doing here today.

I also have to think about in the society that we live in how many fathers are forced to work two jobs because of the large tax burden. And I have to hope that the work we are doing out here this week in Washington, working to reduce that tax burden on our American families by providing a $500 per child tax cut and by providing a college tuition tax credit, let us hope that that work and that effort that we are going through this week out here in Washington will somehow allow our fathers to not have to work that second and third job out there in America so that they can in fact spend more time at home with their families and spend more time with their children, providing them the guidance to make this a better nation in the long term for everyone.

## CLEAN DISASTER RELIEF BILL

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

Ms. VELÁZQUEZ. Mr. Speaker, I want to take this opportunity to commend the 20 Republican House Members who sent a letter to the Republican leadership to urge passage of a clean disaster relief bill. These brave Members are acknowledging what the American people already know, that the Republicans have played politics with the lives of flood victims.

One Republican said that she is exasperated with the her party's leadership. Another Member admitted that the Republicans have made a mistake and that this should only have been a disaster relief bill. Another accused the Republican leadership of acting irresponsibly.

Mr. Speaker, the Democrats have spoken. Some brave Republicans have spoken. But more importantly, the American people have spoken. Please let us send the President a clean disaster relief bill and help those in need. They must not be made to wait any longer.

## CUT TAXES, HELP RESTORE THE AMERICAN DREAM

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

Mr. HEFLEY. Mr. Speaker, the American dream is not a dream about more government. It is not a dream about higher regulation or higher taxes. No, Mr. Speaker, the American dream is about freedom and opportunity. It is about having your children do better than yourself. It is about having your own business and handling your own responsibilities.

For the first time since 1969, this Congress is taking steps so that literally millions can again dream the American dream by having a balanced budget. For the first time in 16 years, we will have tax cuts. Cutting taxes is perhaps the most fundamental thing we can do here in Congress to help every American, no matter how much money they make, no matter where they are in life, to dream their dreams with confidence.

Mr. Speaker, we will hear that tax breaks will only go to the rich. But remember, the same people that make that untrue argument are the same people who raised taxes in the first place. Let us cut taxes and help restore the American dream.

## SUPPLEMENTAL APPROPRIATIONS

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

Ms. DELAURO. Mr. Speaker, the President asked Congress for disaster relief funding 85 days ago, nearly 3 months. American families are suffering. Why has Congress failed to provide urgently needed disaster assistance? It is because the Republican leadership chose the disaster relief bill as their vehicle to extract political concessions from the President.

Newspaper accounts in the last several days have said that the gentleman from Georgia [Mr. GINGRICH], who appeared here this morning, never expected the President to sign the bill by adding the provisions. They were done in order to embarrass the President, the same Speaker who brought us two Government shutdowns.

The Republican leadership has blocked $5.6 billion for disaster victims in 33 States, $1.9 billion for U.S. military operations in Bosnia and elsewhere. People are hurting and they need our help.

Congressional Democrats held vigil on Tuesday night to send a simple message: We are willing to work around the clock to get the job done. I applaud those Republicans who are finally saying, enough is enough, forget the political games, let us get disaster assistance to those in this country who need it.

## CLONING BAN VERSUS PARTIAL BIRTH ABORTION BAN

(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, this afternoon the Subcommittee on Technology will conduct a hearing to review the President's National Bioethics Advisory Commission Report on Cloning.

When the President accepted the Commission's report and announced legislation to ban the use of cloning technology to create human beings last Monday, he stated the following, and I quote:

> Our scientific explorations must be guided by our commitment to human values, to the good of society, to our basic sense of right and wrong. Nothing makes the necessity of that moral obligation more clear than the troubling possibility that these new animal-cloning techniques could be used to create a child. Attempting to create a human being is unacceptably dangerous to the child and morally unacceptable to our society. Creating a child through this new method calls into question our most fundamental beliefs. It has the potential to threaten the sacred family bonds at the very core of our ideals and our society.

Mr. Speaker, I commend the President on his remarks, and I intend to support the Cloning Prohibition Act. But how is it, Mr. Speaker, that our President can ban a technique to create a human life but veto legislation banning the grisly procedure known as partial birth abortion?

## EMERGENCY FLOOD RELIEF BILL

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

Mr. WISE. Mr. Speaker, today the House can help a lot of fathers, today; we do not have to wait until Sunday, on Fathers Day, by passing the emergency flood relief bill. Today the House has a chance to do what should have been done many months ago, for fathers yes, mothers, children, a whole lot of other people, by passing a flood relief bill that helps West Virginia, Ohio, Tennessee, Kentucky, the Dakotas, the Midwest, California.

The Senate has already agreed to take out the nonrelated matters, the things that do not have anything to do with flood relief. But yet the House has not yet gone along with that. But it can. Why are we arguing about how we shut the Government down or do not shut it down or the census, how we count in the year 2000?

The fact is, if we do not pass this bill today, a lot of local governments may be shutting down and there may not be enough people to count in some of our flood-torn areas. If the House passes it today, West Virginians can begin rebuilding the river banks in Cabell and Putnam County. They can begin working on Herbert Hoover High School and the others that were damaged; farmers can begin getting that emergency assistance because they lost their fences and suffered other damage.

If this bill does not pass today, Mr. Speaker, then Sunday a lot of fathers and their families can ask whether this leadership really cares.

## TAX CUTS

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

Mr. LEWIS of Kentucky. Mr. Speaker, as I speak, the Committee on Ways and Means continues to debate the details of what would be the first major tax cut enacted in 16 years. This proposal is consistent with the balanced budget agreement. The proposal contains permanent tax relief covering people throughout their lives from the childhood years to the education years, from the saving years to the retirement years. It offers a $500 per child tax credit covering 41 million children.

Education incentives are offered by creating investment accounts to allow parents to save tax-free for their children's higher education. A 10-percent capital gains tax cut rate would cover 5 million Americans, including 2 million senior citizens.

Mr. Speaker, this package represents a clear and more simple vision: Allow the American people to do more by letting them keep more of their earnings.

## SUPPORT EMERGENCY DISASTER RELIEF

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

Ms. PELOSI. Mr. Speaker, in 1989, northern California was struck by the Loma Prieta earthquake. Families lost their houses, their homes, their personal possessions, their family photographs. It was a terrible disaster and a tragedy.

Before we could even ask, Chairman Jamie Whitten, the chairman of the Committee on Appropriations, came earlier to work than usual and started to prepare the Federal response. He knew that the American people and the American Government have a compact between them that, when disaster strikes, the Federal Government is there to provide comfort and meet the needs of the people.

The Republican leadership in this House of Representatives have broken that compact with the American people, they have violated it. For their own political agenda, they are holding hostage the families of the disaster stricken areas of our country. These families have suffered tremendous losses. They have serious doubt about how they will be made whole. Instead of having the comfort and the embrace of the Congress of the United States, they are ignored.

Despite the best efforts of President Clinton and indeed even the gentleman from Louisiana [Mr. LIVINGSTON], the radical Republican leadership refuses to help the families of America. I hope our colleagues will join the 20 brave Republicans and our Democratic leadership in supporting the emergency disaster relief bill today.

## REPEAL THE DEATH TAX

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

Mr. RILEY. Mr. Speaker, in America today there is a growing sentiment to repeal the Federal estate tax, commonly known as the death tax. After a lifetime of hard work, many family farmers and small business persons know the death tax will destroy a large portion of their life's work.

The death tax in many ways, Mr. Speaker, is like a disease; and like a disease, treatment is expensive, complicated, and not well understood. In order to prepare for death taxes, a business person must call in a variety of financial specials. The average family business will spend $20,000 on attorneys, $12,000 on accountants, and $11,000 on other financial advisors just to prepare for death taxes.

Mr. Speaker, that is over $40,000 which could have been used to create jobs, buy new equipment, pay higher wages, or increase benefits for employees. All of these items would help grow the economy and improve our quality

of life. Mr. Speaker, I encourage the House to repeal the death tax now.

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## STOP PLAYING GAMES WITH DISASTER RELIEF

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

Mr. BONIOR. Mr. Speaker, almost 3 months ago, floods forced thousands of people from their homes, their businesses, their schools, their farms. They lost their possessions, they lost things that meant so much to them like family albums. And they called for help. They asked us to do something to help them.

What did Republicans do? Well, they high-jacked the disaster relief bill. They loaded it up like a pack horse with extraneous measures to advance their own partisan political agenda.

Americans know what an emergency is. They are disgusted with the political games the Republicans are playing with the lives of flood victims just like they were disgusted when Republicans shut the Government down twice.

Now we hear that the Republican leader in the other body is proposing to cut back this emergency relief by 25 percent, cut emergency relief in order to give it. Well, you go figure. I cannot figure that one out. I cannot figure how they have acted on this whole thing now for the last 3 months. Stop playing games. Let us not trade too little for too late.

## WHY THE PRESIDENT VETOED THE DISASTER RELIEF BILL

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

Mr. TIAHRT. Mr. Speaker, the reason the President vetoed the flood relief bill was because he wants to have the ability to shut the Government down. We put in a provision that said that if we cannot reach an agreement, we will continue Government. We will continue it at fiscal year 1997 levels.

But no, that was not good enough for him. He wants to shut the Government down. The President wants to shut the Government down. The President wants to shut the Government down, and that is why he vetoed the disaster relief bill, not because of us, like the Congress wanted to shut the Government down. It is the President. We had a provision to prevent it from happening, and he simply wanted to say I want the right to shut the Government down and blame Congress, like he did last year, in 1995 and 1996. It is very simple.

Once the truth is out and people understand it, they will understand why we want to continue the Government, we want to preserve what is going on. It is very simple. The President wants to shut the Government down.

## BALANCED BUDGET AGREEMENT

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

Mr. ADERHOLT. Mr. Speaker, the year was 1974 and that year Patty Hearst was kidnapped. In the same year Hank Aaron hit his 715th homerun. Those two stories were major headlines, but not many people knew that it was the last time the Government will have spent less than 20 percent of the Nation's economic resources. With the new balanced budget, Mr. Speaker, it is going to happen again.

Mr. Speaker, the balanced budget will have $350 billion in gross tax cuts over 10 years for families, for education costs, and for economic growth. Last, Mr. Speaker, the balanced budget agreement will finally do what its name says. It will balance the budget. It will be balanced by 2002, and then keeps it in surplus.

In summary, the agreement means smaller government, lower spending, lower taxes, and a balanced budget, all in one agreement. It cannot be emphasized enough that this happens in one agreement.

## INSIDIOUS EFFECTS OF THE DEATH TAX

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

Mr. SESSIONS. Mr. Speaker, the death tax, known to the IRS as the estate tax, has profound effects on the American public, both direct and indirect. Directly, it forces the liquidation or dismantling of a lifetime of work, building of a family farm or a small business. Indirectly, and more insidiously, it forces taxpayers to undergo complex, expensive planning with lawyers and accountants to help minimize its bite. Workers are laid off when a firm or a farm is dismantled, and local economies are disrupted. This distorts economic activity and increases the cost of doing business in communities.

Throughout the Fifth District of Texas, and this country, the very people who deal in these income distributions are faced with this and really what it is needed to do is to help people rather than putting them on the lower rung of the economic ladder. It harms. The death tax hurts America and it hurts everyone. I am urging this Congress to repeal the death tax now.

## THE BALANCED BUDGET AGREEMENT

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

Mr. THUNE. Mr. Speaker, the budget agreement and the legislation that will implement that agreement is a good thing for America. It balances the budget by the year 2002 and keeps the budget in surplus thereafter. It provides $350 billion in gross tax cuts over 10 years for families, for education costs, and for economic growth. It ensures Medicare solvency for 10 years, it does not touch Social Security, and it provides $600 billion in entitlement savings.

This budget is pro-business, it is pro-family, and it is economically responsible. It keeps faith with our children so that they will have a sound government, a growing economy, and a brighter future. It is good for farmers, for small businesses, and for agriculture because it makes important relief in the area of estate taxes and capital gains tax relief.

## THE AMERICAN PEOPLE NEED TAX RELIEF

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

Mr. BOEHNER. Mr. Speaker, the average family in America in 1950 paid about four percent of their income in taxes to all levels of government. Today that tax load on the typical American family of 4 is about 24 percent; 24 percent of their gross income goes to government at some level.

That is why Republicans in our Contract With America some 2½ years ago decided it was very important to provide tax relief to the American people. We tried over the last 2 years, unsuccessfully to provide this type of permanent tax relief to American families.

Today the Committee on Ways and Means of this Congress will bring a bill to reduce taxes on American families. This will be the first tax decrease from Washington in 16 years. Seventy-five percent of the benefits of this tax package will go to middle income families making between $20,000 and $75,000 a year.

This is Republicans continuing to keep our commitment to the American people. This was the cornerstone of the Contract With America, and I am proud of the work that we are doing in continuing to meet the commitments that we made to the American people.

## THE REST OF THE STORY

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

Mr. MICA. Mr. Speaker, I wanted to hold my tongue on the matter of disaster relief to Americans who have been affected by flood, but I could not help but read today's paper when I saw that the President is sending thousands of troops to build parks and other facilities in Central America as Commander in Chief, that in fact in this disaster relief bill there are billions of dollars for Bosnia, which the President wants to keep our troops in Bosnia, and we have spent tens of millions, hundreds of millions of dollars in building bridges and roads in Bosnia at the behest of the President and his policy.

It is my understanding, too, that the President has the authority both to spend money that is in the pipeline to help these flood victims, so that the case that has been made this week is without merit. As Commander in Chief, he could send our troops and military and others and our dollars into this affected area to help those folks. That is the rest of the story.

## CAPITAL GAINS TAX RELIEF IMPORTANT FOR AMERICAN ECONOMY

(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, as we have watched the Committee on Ways and Means proceed with its markup, I think it is very important for us to recognize that the plan to reduce the top rate on capital gains is in fact not a tax cut for the rich, as many on the other side of the aisle and some harsh critics have said in the past.

If we are to reduce the top rate on capital gains significantly, we can actually increase the take-home pay of the average family of four by $1,500 a year. That itself is a very important tax cut; it will in fact benefit working Americans.

We also have to look at the fact that reducing the top rate on capital gains is not going to cost the Government a nickel. In fact, it is going to gain revenues to the Federal Treasury. How do we know that? Every single time that it has been done, from 1921 under President Warren G. Harding all the way to 1981 under President Ronald Reagan, reducing that top rate, in fact, expands the pie and generates an increased flow of revenues to the Federal Treasury. Reducing the capital gains tax is a very important part of this package. We need to move ahead with it.

## PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 54, PROHIBITING THE PHYSICAL DESECRATION OF THE FLAG OF THE UNITED STATES

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 163 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 163

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 54) proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States. The joint resolution shall be considered as read for amendment. The joint resolution shall be debatable for two hours equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except one motion to recommit. The motion to recommit may include instructions only if offered by the minority leader or his designee. If including instructions, the motion to recommit shall be debatable for one hour equally divided and controlled by the proponent and an opponent.

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], 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, this rule provides a fair and a reasonable way to consider the proposed constitutional amendment to allow this Congress to prohibit the physical desecration of the flag of the United States of America. Let me go through the steps that we will follow.

First, there is 1 hour of debate on this rule, which is equally divided between the majority side and the minority side. After voting on the rule, there will then be 2 hours of debate on the proposed constitutional amendment. That time is equally divided between the chairman and ranking minority member of the Committee on the Judiciary, who happen to be on different sides of this issue, although this is a bipartisan piece of legislation offered here today.

Then the rule allows for a motion to recommit, which may include instructions if offered by the minority leader or his designee.

□ 1045

This would be the opportunity for the minority or those in opposition, since many of the minority are cosponsors of this legislation, it would allow those in opposition to offer an amendment or a substitute and have it voted on in this House.

Mr. Speaker, as we begin this debate, I would like to provide some background on how we got here today, and it is a shame that we even have to be here.

Prior to the Supreme Court decision in Texas versus Johnson in 1989, 48 States and the Federal Government had laws on the books prohibiting the desecration of the American flag.

In the Johnson case the Supreme Court held by a bare 5 to 4 margin that the burning of an American flag as part of a political demonstration was expressive conduct protected by the first amendment to the Constitution.

In response to the Johnson decision, Congress passed the Flag Protection Act of 1989 under suspension of the rules by a record vote of 380 to 38.

Then in 1990, in the case of the United States versus Eichman the Supreme Court in another 5 to 4 decision struck down this statute, ruling that it infringed on expressive conduct protected by the first amendment.

Within days, the House responded by scheduling consideration of a constitutional amendment to protect the flag from physical desecration. The amendment received support from a substantial majority of the House, but unfortunately fell short of the necessary two-thirds vote for a constitutional amendment. The vote at that time was 254 to 177.

Subsequently, Mr. Speaker, 49 States have passed resolutions calling on Congress to pass an amendment to protect the flag of the United States of America. In here are the resolutions of those 49 States.

Subsequently, in the last Congress, we mounted a new effort to pass a constitutional amendment to protect the flag against physical desecration. We were successful in achieving the required two-thirds vote in the House for the first time on this constitutional amendment. The vote then was 312 to 120, and that was substantially higher, 22 votes higher than even needed to amend the Constitution.

Unfortunately, the Senate fell just a few votes short of the needed two-thirds. The vote there was 63 to 36, and consequently the amendment was never put out to the American people to ratify.

Now we are set to begin the final push to victory, my colleagues, in order to try to pick up the few extra votes needed in the Senate. The language of the amendment offered this year is significantly different from the 1990 and 1995 versions, and this is important for Members to pay attention to, especially over in the other body, because many of those that voted against it last time voted against it because it contained a provision which allowed individual States to pass laws prohibiting the physical desecration of the American flag. Those versions provided that the Congress and the States shall have power to prohibit the physical desecration of the flag of the United States.

The version introduced, that I introduced this year, deletes the words ''and the States'' so that only Congress will have the power to prohibit physical desecration of the flag. This eliminates the concern of those who might have voted against it in years past that were worried about possible confusion which could be caused by different laws in each State.

Now, if this is adopted, there will only be one national law dealing with this issue. Since the whole purpose of this constitutional amendment is to protect the national flag, it makes sense, I guess, that there be a national policy to achieve that goal.

Mr. Speaker, none of us undertake this lightly. The Constitution is a document that has stood the test of time over two centuries. The Founding Fathers wisely made it very difficult to amend this Constitution of ours. Our goal then is not really to change the Constitution. Our goal is to restore the Constitution to the way it was for the first 200 years of this great Nation of ours, up until 1989. And had the Supreme Court not suddenly reinvented

the Constitution by a 5-to-4 vote, something that was never there before, we would not even be here today on this floor. But the Supreme Court did take away the right of the people acting through their elected representatives to protect their flag, and we propose today to restore the right of the people to protect that flag.

This is not an idea that just a few people dreamed up, my colleagues. We are responding to the will of the overwhelming majority of the American people by restoring to the Federal Government power to protect the flag of this Nation.

Stacked on this table right next to me now are more than 3 million signatures, 3 million signatures of people from all walks of life, and I would invite Members to come over and take a look at them, 3 million signatures from my colleagues' congressional districts. These signatures were gathered by the American Legion and the Citizens Flag Alliance. Many of the people that my colleagues see sitting up here in the audience today, from more than 100 organizations, organizations that I think represent a real cross section of America. In fact, when we look at these petitions, they are from people from all walks of life, from religious organizations, not just veterans' organizations, and every single veterans' organization in America has signed these petitions. But they come from religious organizations like the Knights of Columbus and the Masonic orders. They come from civic organizations like the Polish and Hungarian and Ukranian federations. Many of these people were immigrants that came to this country. From fraternal organizations like the Benevolent Order of Elks, Moose International, and the Federation of Police; in fact, all of the police organizations across this country, and from many, many other groups, totaling more than 100, like the National Grain and Future Farmers of America.

But perhaps most impressive again is the resounding support from the States around this country which I pointed to before, 49 out of 50 States, and that is what is in this book that I showed my colleagues a minute ago.

Mr. Speaker, some of the opponents of this proposal have tried to make it sound as if this is some kind of a threat to freedom of speech. The first amendment states, quote, Congress shall make no law abridging freedom of speech, but if this amendment is adopted and implementing legislation is adopted to follow it, every American will be just as free as they are today to say anything they want to about our flag or our country. However much I would disagree with that kind of sentiment, they will be free to say insulting things about the flag or about our country, and I would like to remind our colleagues that under the first amendment even freedom of speech is not unlimited.

For example, speech that is likely to incite an immediate violent response like yelling fire in a crowded theater is not allowed under the laws of this country. It is not protected under the first amendment rights. Obscenity is not protected, and libel is not protected. One cannot go and stand on a crowded street corner or in a residential street corner in the middle of the night and disturb the peace. That is against the law, and it is constitutionally against the law.

Mr. Speaker, this proposed constitutional amendment gives Congress only, only Congress, the power to prohibit physical desecration of our flag. It does not give Congress power to limit what anybody can actually say. As my colleagues know, if they reach into their pocket and they have a dollar bill, they own that dollar bill, it is theirs. But it is against the law for them to burn it, and it ought to be against the law to burn the symbol of our country, the American flag.

Furthermore, I will note that the power to protect the flag was used judiciously for the first 200 years of this Nation's history, and there is no reason to suspect that it will be used any differently in the future.

Mr. Speaker, over the last two centuries, and especially in recent years, immigrants from all over this world have flocked to America seeking what my colleagues and I enjoy, and that is freedom that is a decent safe way of life, and they knew little about America and about our culture and about our heritage. The face of America is changing, and these people when they come here, the one thing they did know: the American flag.

I can recall a number of years ago when I led a delegation to a place called Hanoi in Vietnam, and we sat across from those Communists and we begged them to give us back the remains of fallen soldiers, and they refused to do it. And later on when we left there, we went to a place called Thailand where there was a refugee camp with 180,000 people out in the wilderness in the middle of nowhere, and to get there we had to fly first by plane and then by truck over a dirt road, and as we approached that refugee camp 10 miles away, there began to be people, a few people on either side of the road waving little American flags. And as we proceeded further, there were more and more people, children and old people, and they were all waving little American flags. And as we got near the camp, there was more than 10,000 people lining this dirt road. And I was taken by one particular sign that was almost as wide as the rostrum up there, and on that sign it said: America, please take us home. And when I got out of that truck and I sat and talked with those people, they were not asking us to take them home to America. They were asking us to make it possible for them to go back to their home.

Mr. Speaker, that is what the American flag means. It is the symbol of this country. It is what binds us together, and particularly with the changing face of America. That is why we need to prohibit the physical desecration of this American flag, and that is why I would ask all of my colleagues to come over here in a few minutes, vote for the rule and then vote for this very, very, very important proposed constitutional amendment.

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

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

Mr. Speaker, I thank my colleague from New York, my dear friend, Mr. SOLOMON, the former marine, but they tell me, Mr. Speaker, there is no such thing as a former marine. It is just a marine. So I respect my colleague, my chairman, my marine who did a great job in explaining the issue before me.

I join my friend, the gentleman from New York [Mr. SOLOMON] not only in supporting the rule, but also in cosponsoring the bill to prohibit desecration of the flag. Mr. Speaker, I was very proud to serve in World War II, and I did serve to defend our flag, but more importantly I served to defend what our flag stands for. Still I cannot believe that people should be allowed to desecrate the flag. I think there are far better ways to express unhappiness than by engaging in an act that thousands and thousands of people find so offensive.

I have met with veterans groups many, many times, and they inform me that their No. 1 priority is protecting the flag that they fought to defend. I think the very least this country can do for these men and women who risk their lives defending the United States is to grant them that wish.

Mr. Speaker, I yield 5 minutes to the honorable gentleman from Colorado [Mr. SKAGGS], a gentleman who distinguished himself in the Vietnam war as a Marine lieutenant.

Mr. SKAGGS. Mr. Speaker, I thank the gentleman from Massachusetts [Mr. MOAKLEY] for the time.

Mr. Speaker, I can think of no better way to begin this debate than by recalling the words of Justice Oliver Wendell Holmes when he said, and I quote, we should be eternally vigilant against attempts to check the expression of opinions we loathe, unquote.

Amending the Constitution and for the first time in our history amending the Bill of Rights is an extremely serious matter, and we should consider it only under the most compelling circumstances. Those who propose this amendment, and they propose it in the deepest good faith and patriotism, should be obliged nonetheless to meet an exacting standard of proof, proof that clearly demonstrates a serious threat or need, a threat or need which goes to the fundamental structure of national government, one which can be addressed only through a change in our national charter and one for which the benefits of that change clearly outweigh the costs.

The proponents of this amendment cannot meet that standard. Where is

the threat, Mr. Speaker? Where is the need? A few zealots misguidedly believe that flag desecration will further their cause.

□ 1100

But their idiocy provides no excuse for us to weaken the first amendment. While isolated acts of disrespect for the flag may test our tempers, we should not let them erode our commitment to freedom of speech.

The first amendment and its guarantee of free and open political expression is at the very heart of our Nation's tradition of freedom and self-government. We change it at our grave peril. We do not need to amend the Bill of Rights to show our respect for the flag.

Respect for the flag should not be mandated, especially not at the expense of the first amendment's guarantee of free speech. More to the point, respect cannot be mandated. To be genuine, to be a respect that truly honors our flag, it cannot be a legal requirement. It must flow from the natural love of our freedom-loving people for the beautiful standard of this Nation and the exquisite symbol of our freedoms.

As Justice Jackson said in the West Virginia State Board of Education case back during World War II, ''To believe that patriotism will not flourish if patriotic ceremonies are voluntary and spontaneous instead of a compulsory routine is to make an unflattering estimate of the appeal of our institutions to free minds.''

As a Marine veteran and as an American, I have great pride in the flag. I vividly remember what it felt like to get back to the compound and see the flag flying there, and I think I understand the strong feelings of patriotism and pride in flag and country that motivate the supporters of this proposal. Unfortunately, in their understandable passion to protect the flag, they ask us to undermine the Bill of Rights.

As a veteran and as an American, I too am deeply offended by any act of disrespect to the flag, including physical desecration and flag burning. Like the proposal's supporters, I too am fiercely proud of the values and the ideals that our flag symbolizes. But it would be tragic if, in our rush to prohibit disrespect for the flag, we showed greater disrespect for the Constitution.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume. Let me just say to the gentleman that just spoke, I have great admiration and respect for him and certainly respect his opinion on this, but he asked the question, where is the need?

Well, I guess we would have to go and ask the gold star mother that I talked to last week, where is the need and how she felt about it. I guess we could ask anyone who has lost a loved one how they feel about it, but I guess more than anything else we could ask the disabled veteran who a few years ago witnessed the burning of an American flag. This man was crippled, crippled from war, and he was so overcome that he jumped into the fray and he was injured, and then a lawsuit was brought against him.

Those are the kind of emotions that come about with something like this, and that is why we need the amendment that would ban the physical desecration of the American flag so that those kind of instances do not happen. Anyone can criticize the flag; anyone can criticize the Supreme Court building right over there, but one cannot go over and physically desecrate that Supreme Court building, one cannot physically desecrate the American dollar, as I said before, and one should not be able to physically desecrate the American flag.

Mr. Speaker, I yield such time as he may consume to the gentleman from Sanibel, FL [Mr. GOSS] a member of the Committee on Rules, a very valuable member who is a cosponsor of the legislation.

Mr. GOSS. Mr. Speaker, I thank the distinguished gentleman from New York [Mr. SOLOMON], my friend and the chairman of the Committee on Rules. Certainly his leadership and commitment have prevailed in bringing us here today, and I have nothing but the greatest admiration and commendation for what he is doing.

Mr. Speaker, the stars and stripes is certainly one of our greatest and most enduring monuments. It may be cloth, but it lasts longer than the monuments of steel, the monuments of cement, and the other monuments that we have made, because it is a monument in our heart. Its remarkable simplicity of design has made it perhaps the most universally recognized symbol around the world. It is literally a symbol of hope to millions and millions of people as the representation of freedom and democracy. There is actually a place in the world where there is freedom and democracy.

It is the subject of our National Anthem. When we count the stars, it shows our historical growth and the unity as the United States of America. It is the inspiration for our war fighters, as we have heard testimony here this morning. It is the beloved welcome home sign for Americans traveling abroad. But even more than that, it is a visual reminder of the millions of Americans who have shed their blood and lost their lives in defense of liberty for the United States of America. These are our fathers, mothers, daughters, sons, grandparents, spouses, people we may never have the chance to know again.

So as a nation we proudly display the flag in respect of their courage and the rights they fought to defend. They are the brave who made possible the fact that our homes are in the land of the free.

This amendment clearly has the weight of public opinion behind it. More than four out of five Americans believe that we should have laws to protect the symbol of freedom from physical desecration. Mere statutes have proven ineffective, strangely enough, because of curious and, I would say, wrong-headed Supreme Court decisions passed by the narrowist of margins. Since those rulings, in fact 49 out of 50 States have passed resolutions asking the U.S. Congress to ensure that States have the right to protect the flag.

Now is the time for Congress to get on with it. This has been a challenging process. There is nothing more integral to the lives of all Americans than our Bill of Rights. We all understand that here. But we would certainly never do anything that will infringe on our most sacred and protected freedoms.

But this proposed amendment will not interfere with our right to free speech. Anyone who wishes to express his or her ideas about our flag is certainly free to do so, and accept the consequences. As the Chairman has said, this narrow amendment will simply preclude physical desecration of the flag.

I would say in my district in southwest Florida that burning a flag could well be more of a threat to public safety and public order than screaming ''fire'' in a crowded theater, which the court has said is a permissible restraint on free speech.

This is an overwhelmingly popular idea whose time has come. As we look toward Flag Day this Saturday, we want to be able to send to our Nation's veterans and in fact to all Americans the simple gift of knowing that the flag that stirs their hearts, that so many have fought for and so many have died for will be as sacred and secure as the freedom and the liberty that it embraces.

I personally feel, if one burns the flag of the United States of America, one is burning a little piece of me, because I feel I have a little piece of that flag and I suspect every American feels that way. I think if one tears the flag, one is tearing a little piece of me. I think every American feels that way.

I would suggest that we do not want to encourage that kind of thing; we should discourage it, and I would suggest that in the event that there is an incident involving the flag, the side of law and order ought to be on those who are protecting the flag, not on the side of those who would destroy one of our most sacred symbols.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN], the chairman of the Committee on International Relations and a veteran Air Force member during the Second World War.

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

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding. I am pleased to rise in support of the Solomon proposal, House Resolution 163, to protect our flag from desecration. Those of us who have seen these acts of

desecration find it abominable, and I think this is an excellent measure to protect a banner that we all hold dear to our hearts throughout our Nation.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. PAUL].

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

Mr. PAUL. Mr. Speaker, I thank the gentleman for yielding me this time. I am in support of this rule. I can think of a better rule. I would have liked the rule to be more open. I had a substitute for the particular amendment that we are proposing to the Constitution, but that will not be permissible. However, I will vote for the rule.

I have to compliment the authors of this legislation, recognizing that this cannot be done with legislation, that we have to alter the Constitution, because if one writes legislation, obviously it would not be constitutional. So therefore, I think the authors of the proposal should be complimented.

Also, they deserve some credit for courage, because it is my understanding that this will be the first time that we will alter the Bill of Rights, and in doing so, I think we should do this with a great deal of thoughtfulness.

The courts, as we know, have quite frequently limited our freedom of speech. This is why we have the Istook amendment. The courts have ruled out voluntary prayer in schools, so we are trying to compensate for that with the Istook amendment, and I am a supporter of that, but this amendment is quite different. Instead of expanding the right of free expression, this is curtailing the right of free expression and for that reason I will be opposing the legislation.

We have no flag crisis, and I am quite concerned that once this has passed into the Constitution, it might incite more flag burnings and more flag desecration. Actually, under the Constitution, a more permissible way and more proper way of dealing with the problems that the courts have presented us, is for we as a Congress to withhold the jurisdiction from the courts, and then allow the States to write the legislation that was ruled unconstitutional.

As a matter of fact, even this amendment, as proposed, we could change two words and make it an acceptable amendment to those of us who interpret the Constitution in a strict manner. All we would have to do is the States could write the laws instead of Congress. The first amendment starts out and says the Congress will write no laws, the Congress will make no laws restricting freedom of expression. But here, the last time this amendment came up, they included the States, it said the Congress and the States could write the regulations and the rules, but now it says only the Congress.

I thought we were for less government. I thought we were for less centralization, less police forces up here. I am quite sure that this will become the job of the BATF. I guess we will have a BATFF next, because they will have to police the flag abuse.

There are a lot of reasons why we should oppose this. One is that it is not only a freedom of speech issue, it is also a property rights issue. Withholding and restricting flag burning of other people's flags and Government-owned flags and on Government property, that certainly is legitimate. But freedom of speech and freedom of expression depends on property. We do not have freedom of expression of our religion in other people's churches; it is honored and respected because we respect the ownership of the property. The property conveys the right of free expression, as a newspaper would or a radio station. But once we deal with the property, no matter how noble the gesture, I think that we have to be very, very cautious in this manner.

The original intent of the Founding Fathers in writing the Constitution was never that we would be so involved in writing regulations and legislation of free expression in an attack on private property ownership, and then again, it really defies the ninth and tenth Amendments. We would be much better off taking the part of the Constitution that allows us to remove the jurisdiction from the courts and, thus, then permitting the States to write the laws as they see fit.

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

Let me say before recognizing the next speaker that certainly this Member of Congress would stand and defend any American citizen's right to freedom of speech. I do not consider burning the American flag an expression of speech. I think it is a hateful tantrum.

Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. STEARNS], a very distinguished Member.

Mr. STEARNS. Mr. Speaker, I thank the gentleman for yielding. It is probably appropriate that I come to speak after my colleague on this side of the aisle spoke. He talks about amending the Bill of Rights, and that is not what we are doing here. He talks about protecting the first amendment. Let me point out to him that freedom of speech is not absolute. He might believe that freedom of speech is absolute, but it is not, it has never been. That is why we have on the books obscenity laws.

□ 1115

We have on the books public decency laws. So when he talks about the freedom of speech being absolute, I do not agree with him. I would also like to say to him and to others that express his opinion, we have in this country 49 States, 11 more than the 38 needed for ratification, that have called on Congress to submit a constitutional amendment protecting the American flag against physical desecration. We would be clearly lacking in our representation of the American people if we in this body deny it. So those Members of Congress that come from those 49 States where they have asked for ratification, it is on their conscience if they vote against this.

Mr. Speaker, when I think about this issue I am reminded of Theodore Roosevelt when he once said, ''There is no room in this country for hyphenated Americanism.'' I feel that desecration of this flag is a dishonor to over 1 million men and women who have died defending this country.

Our military personnel protect our country's unity, freedom, and value symbolized by the American flag. Mr. Speaker, burning the flag is not a method of speech or expression. It is a measure, a clear measure of hatred for our country. Our flag represents America's past, its present, its struggle and, of course, its promise for a great future.

As an American, I cannot accept the Supreme Court's decision which allows the American flag to be set on fire, spit upon, trampled as a form of political expression protected by the Constitution. That is where the problem many of us have is, where the Supreme Court is allowing people to set it on fire, to spit upon it, and trample it as political expression.

For more than two centuries Old Glory has exemplified the ideals our Nation was founded upon, including its constitutional rights. I remain an ardent supporter of the first amendment; however, I feel strongly that this freedom should not be an excuse for the scornful action of flag desecration. Burning the flag is not simply an expression of personal opinion. Mr. Speaker, it is an act of violence, an act of violence against a national symbol which represents the intangible spirit of liberty.

Again, I say to my colleagues, the freedom of speech is not absolute. The need for a flag protection amendment is a commonsense issue that resonates throughout this country. A vote for this amendment will put a stop to the erosion of decency and mutual respect facing our Nation. Americans do not see it as a partisan or an ideology issue, and neither should we.

Mr. Speaker, I would conclude by pointing out and reminding my colleagues if 49 States, 11 more than needed in the 38 for ratification, have called upon Congress to submit a congressional amendment protecting the American flag against physical desecration, why do not we?

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. CONYERS], the ranking minority member.

Mr. CONYERS. I thank the gentleman from Massachusetts for yielding time to me, Mr. Speaker.

Mr. Speaker, I would point out to the gentleman from Florida about five Supreme Court cases that prove that the statement that the gentleman uttered about action being equated with speech is not correct. Would that impress the gentleman at all?

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

Mr. CONYERS. I yield to the gentleman from Florida.

Mr. STEARNS. Mr. Speaker, there is also——

Mr. CONYERS. I ask, would it impress the gentleman at all?

Mr. STEARNS. I could find another five Supreme Court decisions that would refute the gentleman's argument.

Mr. CONYERS. I have my five, and we are going to have general debate for 2½ hours, so I would ask the gentleman to go get one, OK?

Mr. STEARNS. We will be glad to come back here.

Mr. CONYERS. I will yield the gentleman time to show me a case.

Mr. STEARNS. The gentleman asked me a question. Can I pose a question to him?

Mr. CONYERS. Just a moment. That is the end of our discussion.

Mr. STEARNS. The gentleman will not allow me to pose a question to him?

Mr. CONYERS. Of course not.

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

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

Mr. Speaker, I would respond by saying that all of the court decisions the gentleman from Michigan [Mr. CONYERS] referred to were 5 to 4 decisions. They could just as easily have gone the other way. If Justice Hugo Black, one of the most famous liberals of the Court, had been there, he would have voted with us on this particular issue. He said it is not an infringement on first amendment rights.

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.

Mr. CANADY of Florida. Mr. Speaker, pursuant to House Resolution 163, I call up the joint resolution (H.J. Res. 54) proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 54 is as follows:

H.J. RES. 54

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein),* That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

''ARTICLE—

''The Congress shall have power to prohibit the physical desecration of the flag of the United States.''.

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). Pursuant to House Resolution 163, the gentleman from Florida [Mr. CANADY] and the gentleman from Michigan [Mr. CONYERS] each will control 1 hour.

The Chair recognizes the gentleman from Florida [Mr. CANADY].

GENERAL LEAVE

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Joint Resolution 54.

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

There was no objection.

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that during the consideration of House Joint Resolution 54, an additional 20 minutes of debate be granted, equally divided and controlled by the gentleman from Illinois [Mr. LIPINSKI] and the gentleman from Maryland [Mr. GILCHREST].

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

There was no objection.

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the U.S. flag has long been a source of inspiration for Americans. The Stars and Stripes waving over Fort McHenry in Baltimore Harbor inspired Francis Scott Key to pen our national anthem in 1814. One of the most poignant images of World War II has been memorialized in the Iwo Jima Monument, which captures the moment when U.S. soldiers hoisted the American flag on Mount Suribachi.

Old Glory has had a profound impact on the citizens of this country throughout the years. There is no greater symbol of our unity, our freedom, and our liberty as Americans than our flag. In the words of Justice John Paul Stevens, it is a symbol of our freedom of equal opportunity, of religious tolerance, and of good will for other peoples to share our aspirations.

Until less than a decade ago, most States and the Federal Government enforced laws prohibiting flag desecration. However, in 1989, in Texas versus Johnson, the Supreme Court of the United States, in a 5 to 4 decision, invalidated the laws of 48 States and an act of Congress which protected the flag. The court thus deprived the people of their right to protect the most profound and revered symbol of our national identity. In 1990, Johnson was followed by the decision in United States versus Eichman which held unconstitutional a Federal statute passed by Congress in response to the Johnson decision.

The amendment before the House today would overturn these Supreme Court opinions by restoring the authority of Congress to prohibit the physical desecration of the flag. Nothing in this amendment or in the legislation that will be adopted subsequently will prevent anyone from expressing any idea or viewpoint they wish to express.

No one will be prevented from expressing contempt for the flag, contempt for the country, contempt for the people in power, contempt for the Constitution, or contempt for anything else. The flag protection amendment simply grants Congress the power to restrict one type of conduct, that is, conduct involving the physical desecration of the American flag, which some have chosen as a crude means of expression.

As Chief Justice Rehnquist stated in his dissent in the Johnson case, the physical desecration of the flag is the equivalent of an inarticulate grunt or roar that, it seems fair to say, is most likely to be indulged in not to express any particular idea but to antagonize others.

By allowing Congress to protect the flag from physical desecration, we would do nothing to impede the full and free expression of ideas by Americans. The first amendment would remain as strong as ever.

Freedom of speech is indeed central to our political system. Protecting freedom of speech is essential to protecting all the other freedoms that we cherish as Americans. Without freedom of speech our system of representative democracy would become a sham.

As the Supreme Court recognized in New York Times Company versus Sullivan, we as Americans have a profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide open, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials.

But that does not mean that individuals have a totally unlimited right to engage in whatever conduct they choose simply because it is done under the banner of free expression. The government has a well-recognized right to place restrictions on obscenity, libel, fighting words, and fraudulent statements. The government may prohibit individuals from parading through the streets naked, even though those individuals do so in the name of free expression.

Such restrictions in no way impede the robust and wide open debate of public issues. We all agree that the government should not attempt to suppress ideas because they are offensive or disagreeable, but as Justice Stevens states in his dissent in Eichman:

> It is equally well settled that certain methods of expression may be prohibited if [a] the prohibition is supported by a legitimate societal interest that is unrelated to suppression of the ideas the speaker desires to express; [b] the prohibition does not entail any interference with the speaker's freedom to express those ideas by other means; and [c] the interest in allowing the speaker complete freedom of choice among alternative methods of expression is less important than the societal interest supporting the prohibition.

A prohibition on the physical desecration of the flag of the United States easily satisfies this test. There is a compelling societal interest in maintaining the physical integrity of the flag as a national symbol by protecting it from acts of physical desecration. Such protection can be afforded without any interference in the right of individuals to express their ideas, whatever they may be, by other means.

The interest of the American people in protecting the flag far outweighs any interest in allowing the crude and inarticulate expression involved in burning, shredding, trampling, or otherwise desecrating our flag.

The American people overwhelmingly support a flag protection amendment. We have testimony here to that fact on the table. A recent national survey found that, given the chance, 81 percent of American voters would vote for this amendment being considered by the House today. In addition, 49 of the 50 State legislatures have passed resolutions calling on Congress to pass an amendment to allow protection for the American flag. This amendment, supported overwhelmingly by the American people, recognizes that there are limits to what can be done under the banner of freedom of expression. It recognizes that the American people want to draw a line at this point. They want to draw a line to protect the American flag. The flag belongs to the American people. It is a symbol of our Nation, and no one has a right to desecrate it.

The Stars and Stripes is more than a piece of cloth. It was raised at Iwo Jima, planted on the moon, and has draped the coffins of thousands of Americans who have sacrificed their lives for our great country. It is a national asset. As Justice White has written, the flag is a national property. So it is fitting and necessary that this Congress, speaking for the American people, should pass this amendment to protect and preserve this symbol of our great Nation.

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

[Mr. CONYERS asked and was given permission to revise and extend his remarks.]

Mr. CONYERS. Mr. Speaker, this is the second annual flag-burning discretion legislative attempt. Last year it was not able to arrive in time for Flag Day, so it was held over for July 4, but this time, although the budget is out of whack and disaster relief is still unresolved, we are able to get this piece of legislation up.

I am happy to join with the ranking member on the Subcommittee on the Constitution of the Committee on the Judiciary to engage in this discussion for a couple of hours.

□ 1130

Now, we are the lawmakers of the land. That presumes that we understand the law. It also assumes that we know something about what the Supreme Court said, Mr. Speaker. What the Supreme Court has said, and I want to correct myself, I said that there were five decisions, there are seven decisions, which I will bring out to my colleagues one at a time, and I will put it in nonlegal discourse so that everybody, no matter what side of the issue they are on, will understand what the current state of the law is at this moment. It is not what some Members have misrepresented it, perhaps accidentally, to be during the debate on the rule.

Now, for those who know what Hugo Black would have done if he had voted on flag burning, that is wonderful. Hugo Black never voted on flag burning, so only the chairman of the Committee on Rules would know what a deceased Supreme Court jurist would have done had the issue come before him. Wonderful.

I will tell what one conservative jurist named Anthony Scalia has done on the Supreme Court on which he presently sits; that is, he has voted with those of us who realize that flag burning is an expression of speech protected by the first amendment.

Mr. CANADY of Florida. Mr. Speaker, will the gentleman yield for a quotation from Justice Black? Would the gentleman like to hear the words of the Justice himself?

Mr. CONYERS. Mr. Speaker, the gentleman in managing the time on that side.

Mr. CANADY of Florida. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. N-O.

By the way, Mr. Speaker, the gentleman has 1 hour to do all the quoting he wants.

May I point out, Mr. Speaker, that speech is protected; that action is protected speech under the first amendment. I do not care what anybody once said. At least as we disagree on this subject matter, let us pretend that we understand what the law is. It is there in the books. We have got it in our offices. It is on the computer. Members can ask a staffer. But do not misrepresent the law while I am managing this bill on the part of the Democrats today. If my colleagues do, if time permits, I will try to correct them as we go along.

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

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume to point out that the gentleman's questioning with respect to Justice Black is totally unjustified. We do not have to guess what Justice Black would have thought on this subject. Justice Black spoke on the subject.

If the gentleman had read the committee report, the gentleman would have seen the statement from Justice Black. Justice Black said, ''It passes my belief that anything in the Federal Constitution bars'' a State from ''making the deliberate burning of the American flag an offense.''

If the gentleman would like the citation, he will find it in the committee report.

Mr. Speaker, I yield 1 minute to the gentleman from Nebraska [Mr. BARRETT].

Mr. BARRETT of Nebraska. Mr. Speaker, I thank the gentleman for yielding me the time.

I rise today in support of this amendment protecting the Nation's flag. This Saturday we do celebrate Flag Day. I can think of no better way to honor the flag and what it represents than by passing this amendment. Our Nation's flag represents freedom and tolerance around the world. Scores of Americans have fought for the symbol. Many have died for it. I will vote today to honor those sacrifices by protecting our flag.

We Americans have many rights, many freedoms, but desecrating the symbol of those freedoms does not exemplify those rights; it dishonors them. Mr. Speaker, 80 percent of Americans support the idea of protecting the flag and nearly every State has a law supporting it and protecting it. In passing House Joint Resolution 54, we are recognizing the desire to protect it.

During this Congress I hope the other body will also accord the flag its due respect and send the amendment out to be ratified.

Mr. Speaker, in passing House Joint Resolution 54, Congress does not act to restrict speech. It acts to acknowledge our rights by protecting that which represents them, our national symbol.

Mr. CONYERS. Mr. Speaker, I yield myself 1 minute.

I address my remarks to the distinguished chairman of the Subcommittee on the Constitution because he quoted former Supreme Court Justice Black. The quote that he made does not come out of any case that Justice Black ever decided. It is in no decision. It refers to the Justice referring to what each State should do.

Now, either the gentleman does not understand that or he is trying to fool somebody. I do not know which.

Now, ask me to yield.

Mr. CANADY of Florida. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. No.

Mr. CANADY of Florida. I thank the gentleman again.

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

The gentleman has difficulty apparently comprehending the plain words that are in an opinion written by Justice Black. I have difficulty understanding why the gentleman has such difficulty.

I will point out the last time I recall the gentleman from Michigan standing on the floor and citing a Supreme Court case, he was actually citing a case that had been decided by a district court, and had to be corrected by the ranking member on the subcommittee. I am not surprised that the gentleman is having difficulty understanding the words of Justice Black.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia [Mr. SCOTT], ranking member on the Subcommittee

on the Constitution, distinguished attorney and former State legislator.

Mr. SCOTT. Mr. Speaker, getting back to the point, we find ourselves considering yet another constitutional amendment on the floor. Mr. Speaker, the Constitution of the United States is not a major societal problem in America, and yet we find ourselves for the fourth time this session voting on a constitutional amendment. There are others, a slew of others still pending. This amendment, if ratified, will for the first time in over 200 years reduce our first amendment rights to free speech and expression.

The first amendment has made this country the envy of the world. It has protected us from religious and political upheavals that have led to the demise of numerous other federal governments. It has been a great success, not a failure. The first amendment is our friend and not our enemy. We should, therefore, resist the political temptation to abridge this freedom for short-term political gain.

At the hearing we had on House Joint Resolution 54, we heard testimony that the flag is a symbol of national unity, patriotism, and freedom. I agree. But in a direct affront to the liberty interests on which this country was founded, the resolution is seeking to prohibit a form of political expression. Just as we are free to express our love for the flag in a free country, those with contrary opinions should also be free to express their feelings. Freedom is not a popularity contest. If this were the case, we would never need a Bill of Rights. Popular speech does not need protection.

Instead, our rights only come into play when there is a need to protect the unpopular speech or religion from the tyranny of the majority. In fact, if this amendment is adopted, the only practical effect of the enactment of criminal statutes against flag desecration will be the jailing of political protesters. The idea of jailing political dissidents is obviously inconsistent with our tradition of freedom. I would ask that the Members consider this consequence before they start chipping away at the first amendment.

Let us not be confused. We are not, in this amendment, trying to prohibit flag burning. The truth is that burning a flag is considered the only proper way to dispose of a worn-out flag, and therefore flags are routinely burned by members of the American Legion in patriotic flag retirement ceremonies. This amendment, however, has nothing to do with the act of burning or causing any type of physical harm to the flag. This is not the concern of the supporters of the amendment, and that is why the term ''desecration'' is used in the amendment rather than ''burn,'' ''tear,'' or ''destroy.''

Instead, they are seeking to prohibit the use of the flag in situations where they disagree with the content of the expression. In other words, one can burn a flag if one is saying something nice about the flag, but one would be prohibited from burning the flag if they are saying or thinking something that government officials consider offensive. This is absurd because the Government has no business deciding which political speech is permissible or impermissible.

If we were just talking about conduct, we would be able to, we have to look at the effect of this amendment. We can prohibit forms of expression like we can prohibit parades, but we cannot prohibit one kind of parade by Democrats and not the same kind of parade by Republicans. If one can, if we are talking about flag burning, we cannot talk about burning the flag when there are good patriotic expressions but prohibit burning the flag when we do not agree with the expressions being made.

Furthermore, Mr. Speaker, we are not addressing situations where someone steals a flag and burns it. Stealing and destroying someone else's property is already against the law. So we have already been down the road of patriotic but coercive legislation.

I remind my colleagues of the World War II era Supreme Court cases dealing with the statutes compelling school children to pledge allegiance to the flag. We got so wrapped up in our drive to compel patriotism that we lost sight of the high ideals for which the flag stands, because despite our disgust for seeing Nazis force their people to hail Hitler, we in this country were passing laws that forced school children to salute and say a pledge to a flag even if such acts violated their religious beliefs.

Fortunately for the American people, the Supreme Court put an end to this coercion in the landmark case West Virginia State Board of Education versus Barnette. Justice Jackson wrote on behalf of the majority in the Barnette decision when he wrote,

> If there is any fixed star in our Constitution, it is that no official, high, or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein.

Unfortunately, it does not seem that we have learned from the eloquence and clarity of Justice Jackson's opinion in Barnette, and instead we are here today poised and anxious to prescribe what shall be orthodox in politics and nationalism, even though we have no business governing a free society in this manner.

Furthermore, Mr. Speaker, our prescription is unknown. The text of the resolution reads: ''The Congress shall have power to prohibit the physical desecration of the flag of the United States.'' Even after the hearing, we still have no idea of what desecration will entail or what shall constitute a flag. Any criminal statute enacted under this amendment will therefore be inherently vague and unworkable. In fact, at the hearing at least one witness supporting the constitutional amendment agreed that the use of the flag in advertising could be considered desecration, and in fact some jurisdictions have criminal statutes on the books prohibiting use of the flag in advertising.

Mr. Speaker, furthermore, we have a question of what is a flag? Is a flag tie a flag? Do we have a national interest in that tie? Is that a national asset? Based on the flag code, wearing a flag tie could be a criminal offense. Considering that both an American Legion representative and a Member of Congress were wearing flag ties on the day of the hearing, I would hope that we would take a closer look at what could be the unintended consequences of this amendment. But of course we all know that the practical effect of the criminal statutes would be that they would only be enforced against political protesters, and that is why the amendment restricts speech and is not protecting the flag.

In conclusion, Mr. Speaker, I urge the House to be guided by the words of Justice Brennan when he wrote,

> We do not consecrate the flag by punishing its desecration, for in so doing we dilute the freedom that this cherished emblem represents.

Therefore, let us not betray the freedom our flag represents.

I urge the House to stand up for the high ideals the flag represents by opposing House Joint Resolution 54.

☐ 1145

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

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

Mr. LIPINSKI. Mr. Speaker, I rise to speak on behalf of the resolution, and I appreciate the opportunity to speak on the House floor today in favor of this important constitutional amendment.

When the gentleman from New York [Mr. SOLOMON] asked me to replace Mr. Sonny Montgomery as the lead Democrat on the flag protection resolution, I was honored and eagerly accepted the role. However, it is important to note that this is not a Republican issue, nor is it a Democratic issue. It is an American issue.

The flag is a symbol of our great Nation and all that we stand for. No other American symbol has been as universally honored or has bestowed such honor as our flag. We pledge allegiance to the flag at the start of each day here in the U.S. House of Representatives, as do schoolchildren throughout the United States. Our national anthem immortalizes the importance of our flag to our soldiers who fought for our freedom. Our flag is a symbol of our freedom.

The flag, being the symbol of American freedoms and ideas, ought to be protected with the same vigor with which we protect the very freedoms and rights it represents. Our Nation's flag deserves respect, care, and protection. Willful desecration of the flag is

an insult to all Americans, especially to those who fought to uphold the flag and maintain our freedom.

This constitutional amendment to give to Congress the power to prohibit the physical desecration of the flag in no way contradicts or weakens the first amendment's guarantee of freedom of speech. There has always been some limitations on the freedom of speech.

As mentioned earlier, prior to 1989, when States had flag protection statutes in effect, the American people did not complain that their freedom of speech was being unfairly restricted. In fact, in a recent poll, over 80 percent of Americans did not believe that the physical act of burning the flag was an appropriate expression of freedom of speech as guaranteed by the first amendment.

In addition, flag desecration, such as burning, trampling, spitting, and defecating on the flag is not actual free speech but is expressive conduct. Expressive conduct is understandably afforded a lower level of constitutional protection than actual speech.

This is an American issue, and the American people want the right to protect their flag. Forty-nine State legislatures, including my home State of Illinois, have passed memorializing resolutions asking Congress, asking us here in the U.S. House of Representatives, and the Senate, for the opportunity to ratify a constitutional amendment protecting the flag. Two hundred eighty Members of Congress, from both parties, from all regions of the United States, have listened to their constituents and have cosponsored this important resolution.

I urge all my colleagues to vote in favor of House Joint Resolution 54. We must seize this opportunity to restore the American flag to its rightful place of honor and give the American people the right to protect their greatest symbol, the American flag.

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

Mr. CANADY of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Alabama [Mr. ADERHOLT].

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

Mr. ADERHOLT. Mr. Speaker, I rise today in support of the resolution today offered by the gentleman from New York [Mr. SOLOMON], an amendment to the Constitution that will give back to the American people the right to protect the one symbol that represents our great country more than any other, the American flag.

America is truly the land of the free and the home of the brave, and many of our country's best and brightest fought hard and gave their lives to protect this Nation. Now we must fight to protect the symbol of all that this country stands for, the American flag, the sacred emblem of our country and our heritage of liberty that was purchased with blood and sorrow.

Each time the flag is desecrated in America today, it is a slap in the face to the men and women who gave their lives to honor this country. By placing the flag in front of our homes and our businesses, we show honor to our veterans, and by desecrating it we show them disrespect.

Mr. Speaker, I urge my colleagues to join with me today in pledging allegiance to our flag.

Mr. GILCHREST. Mr. Speaker, I yield myself such time as I may consume, and I rise to speak against the resolution.

Mr. Speaker, as we move closer to amend the Bill of Rights for the first time in our Nation's history, I am reminded of what the gentleman from Georgia [Mr. GINGRICH] said at the opening day of this session of Congress, and I quote, ''On the altar of Almighty God, I have sworn eternal hostility to the forces that would bind the minds of men.''

That statement is arguably the most moving statement to individual freedom I have ever heard. Though I am no Thomas Jefferson, I too swore an oath before this Chamber to defend the Constitution, and the Bill of Rights in particular. For that reason, I strongly oppose the measure before us.

Jefferson did not pledge to fight for the freedom of good men, of wise men, or of inoffensive men. Until God himself sits in judgment, these distinctions will always reside in the minds of those with power.

Jefferson realized that the only way to defend freedom of good men is to defend the freedom of all men. The test, in fact the only test of a government's commitment to free speech is how it deals with the most unpopular, the most offensive and the most ill-conceived of messages.

We all know what would happen to anyone who burned the flag in Cuba. We all know what would happen to anyone, and we have seen it, who would burn the flag in China at Tiananmen Square. What is remarkable to me, however, is hearing my colleagues suggest that we have something to learn from China or Cuba; that patriotism requires us to become a little bit more like the oppressive regimes that we most often daily criticize.

Throughout the cold war years, we continually reminded ourselves that freedom is not free. One cost of freedom is eternal vigilance against those foes from without and from within. Another is vigilance against the sort of creeping majoritarianism that values freedom from insult more highly than freedom of speech.

The unavoidable cost of freedom is the fact that people will use freedom in insulting and sometimes idiotic ways. The few malcontents who burn flags seek our outrage. They need it to draw attention to their causes. If we ignored their actions or maybe just throw a bucket of water on them, they would soon realize that they were wasting their time.

Today, we not only give what they are doing the outrage that they seek but we enshrine it in the highest document in the lands. We are wrapping this gift in some pretty expensive paper. That expensive paper is the Constitution, whose liberties were bought with the blood of our forefathers. Is this the right thing to do?

In the play, ''A Man for All Seasons,'' Sir Thomas Moore is questioned about whether the law should be used to protect bad men. He is even asked if it is wise to cut through the law to get at the devil. This is his response, and I quote:

> And when the devil turned round on you, do you really think you could stand the winds that blow against you and blow against them? All the laws being flat, I would give the devil protection of the law for my own safety's sake.

Today we are asked a question much like the one asked Thomas Moore. Today we are asked to cut through the Bill of Rights to get at a particular devil: people who burn the flags. But the constitutional limitations which protect them are the same as the constitutional rights which protect us from oppressive governments.

Mr. Speaker, I believe that, no matter what anyone says, the House seems to value the work of Betsy Ross above the work of Madison and Jefferson. In my opinion, the practical effect will be to weaken both and to increase the pressure to restrict other kinds of speech. Thus, we will find ourselves cutting through the first of several swaths to the Constitution to get at various devils. May God help us should the devil turn round on us.

Our Nation's flag deserves our respect and protection. The best way to show respect for that symbol of freedom is good works, to be loving parents, competent teachers, and responsible legislators. We honor those who have given the ultimate sacrifice for their country by living those ideals.

Mr. Speaker, I yield the balance of my time to the gentleman from Texas [Mr. PAUL].

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

Mr. PAUL. Mr. Speaker, much has been said about this issue being a freedom of expression issue, and it certainly is. Obviously, the American Legion that burns the flag does it differently than the hoodlum on the street, so it does involve an expression of some ideas; that we are limiting that ability for any individual to make this expression.

I am convinced that this is historic. This is the first time that we have worked hard in undermining the Bill of Rights. Some have said that the first amendment cannot be absolute, but in some ways it can be. What we say and do in our homes and churches should be absolute, and we should be able to say and do things.

The restrictions on speech is when we get involved in lying and slandering

and doing harm that way. Yes, then there is a limitation. But that is different. When we are in our churches, we should have absolute right of freedom of speech.

But there is more to this than freedom of expression. This is a property rights issue. That is why I am so disappointed with some of my colleagues that have pushed this as an amendment, because this is an attack on property rights. The question seems to be asked very rarely but should be asked: Who owns the flag?

If somebody burned the flag, who owns the flag? They are saying everybody owns it? How does that happen? Can we not buy a flag anymore? Do we believe in collectivism now; that everybody owns the flag and everybody is responsible for it, and we will all do exactly as we are told? That is not part of our system.

We guarantee the right of free speech through property rights, through the reverence that we give to our churches or our radio stations or our newspapers. Nobody has the right to march into our church and preach any religion to us or march into a newspaper or march into a radio station. So in this case we are dealing with a piece of property that should be respected as property. And I think we are attacking that just as much as anything else.

Also, it is disappointing to see that this amendment is actually worse than the last amendment that came to this House floor, because at least the last amendment recognized that maybe the States could write regulations. Under the original Constitution, in the original intent of the Constitution, it would have been permissible for States to write regulations of this sort. It was our courts that have come in and started to overregulate freedom of speech and freedom of expression.

For instance, I am quite comfortable in agreeing with the Istook amendment. Because of the courts, again, we have lost the concept of property in our public schools. In a private school we know what we are allowed to do. But in a public school everything becomes fuzzy. So the courts come in and say, all of a sudden, we cannot even have a voluntary prayer.

So the Istook amendment approaches completely opposite of what we are doing here, because this is restriction of expression, it is a restriction on the private property ownership, and it really attacks the 9th and 10th amendments. Because before, even where the States had been permitted to write laws, they are not permitted under this legislation. Only the Congress shall make the laws.

□ 1200

I thought we were supposed to make the Federal Government smaller as conservatives, not bigger. Here we are adding a new role for the BATF. We have the Bureau of Alcohol, Tobacco and Firearms; and we are going to have a BATFF in order for those individuals to go out and regulate the flag use. And this is Federal.

Just think of how the RICO laws may apply to this. One individual in one group may do something wrong; everybody in that group can be held guilty for that. What if there happens to be someone in there that has done it deliberately in order to get at the group? Could this be entrapment? Has our FBI ever been known to do this?

I think it is a dangerous thing that we are doing. Why are we so fearful? It is implied at times that if we do not endorse this amendment we are less patriotic than the others. I think that is wrong to imply that we might be less patriotic. From my vantage point, from having been involved in politics for a few years, the real attack is not on our liberties. The real attack in this institution is the attack on the Constitution, and this does nothing to address it.

It is almost like window dressing. We are upset and feel guilty and in a mess and cannot do anything. All we need to do is pass a flag amendment and it is going to solve the problem of the attack on the Constitution, which is continuous and endless. We do not need more legislation like this. We do not need an amendment to the Constitution that will, for the first time, alter the Bill of Rights.

I really think those individuals who are pushing this have courage to get out front and say yes, for the first time, we will curtail the authority or the expressions and the rights of the Bill of Rights.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina [Mr. WATT], one of the finest legal minds on the Committee on the Judiciary, and I would ask him to yield to me briefly.

Mr. WATT of North Carolina. Mr. Speaker, I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I would like to turn to my friend, the gentleman from Chicago, Il [Mr. LIPINSKI], who made the point that it is expressive conduct, but not free speech, in defining the flag burning situation.

I would like to ask the gentleman from Illinois [Mr. LIPINSKI] if he has any cases or constitutional theory that would explain how he separated flag burning out of free speech but put it into expressive conduct, which I presume is not covered by the first amendment?

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

Mr. WATT of North Carolina. I yield to the gentleman from Illinois.

Mr. LIPINSKI. Mr. Speaker, I appreciate the gentleman yielding to me. I say to the ranking member of the committee, I do not have any here right now, but I will be very happy to reach out and try to get them back here prior to the time we have a vote on this issue.

Mr. CONYERS. I thank the gentleman.

Mr. WATT of North Carolina. Mr. Speaker, I have been engaged in a longstanding debate with my colleagues on the Republican side of this House about the definition of what is conservative and what is liberal. And every time I come here, I try to start this way so that I put this debate in context for my friends.

I should start it, ''Here we go again.'' That is one of their conservatives, Ronald Reagan, that was his ''Here we go again.'' Because it has always been my philosophy that the most conservative position in America is to defend the most conservative document in America, and that is our Constitution.

So how my colleagues could start with a Contract With America that had two proposed constitutional amendments in it has always been kind of disconcerting to me, because they keep calling themselves conservatives and it seems to me that that is inconsistent.

How in the 2-year period of that revolution we had introduced in the U.S. House of Representatives a total of 118 proposed constitutional amendments, how they can continue to call themselves conservative, I do not understand.

How in that 2-year period of that conservative revolution we voted more times than on constitutional amendments than in any congressional term over the last 10 years, and my colleagues can still call themselves conservatives, I do not understand.

Things from the balanced budget amendment to the term limits amendment, to the flag desecration amendment that is back again, to super majority requirement for tax increases, to voluntary school prayer, line-item veto, right to life, provide no person born in the United States on account of birth shall be a citizen here. I mean, a basic constitutional right.

Here we go again. Campaign finance reform in the Constitution, my conservative friends. Repeal the 22d amendment. Abolish the Federal income tax in the Constitution, my friends. Establish English as the only language, the official language of a nation that is a nation of immigrants, in the Constitution. And they are calling themselves conservatives.

These are the conservatives in this body calling themselves conservatives. And here we go again. Here we go again. These are not conservatives. These are radicals. It is a radical notion to amend the Constitution of the United States.

Now, having debunked this notion that those of us who are standing up for the Constitution are the radicals, as opposed to the people who have offered this amendment, now let me go to the notion that we are somehow unpatriotic because we are standing up for the Constitution.

Why do I love my country? Does it have anything to do with the color of the flag? It has to do with the principles that that flag stands for. That is all it has to do with. And every time

we diminish those principles, we diminish our rights as American citizens. We honor the flag by honoring the ideals that it represents, and among those ideals is freedom of speech, whether we like what somebody is saying or whether we do not like what somebody is saying.

The Supreme Court said, ''The bedrock principle underlying the first amendment is that the Government may not prohibit the expression of an idea simply because society finds the idea itself disagreeable.'' That is the bedrock principle on which the first amendment is founded.

What is the ultimate test of religious freedom? It is whether we tolerate those who have a religion that is different than the one that we have, not whether we are defending some particular form of religion. It is a bedrock principle of the things in the Bill of Rights.

Now let me go to a third notion here, that we can start amending the Constitution based on polling data. The majority of the American people want the Constitution amended, so let us go out and amend the Constitution. It is the order of the day. It is fashionable. Is that a conservative philosophy or a radical philosophy?

As a philosophical matter, the liberties outlined in the Bill of Rights are fundamental freedoms intended to be impervious to changing political tides, my friends, not wax and wane, depending on who is in the majority this year or next year or this day or the next day. The idea of the Bill of Rights is that there are a set of guaranteed rights that no one, including a majority of Americans, can take away from American citizens.

That is what tyranny by the majority is. My colleagues have heard that term used: tyranny by the majority. The majority can vote and take some basic constitutional human individual rights that I have. We cannot do it in our democracy.

Now lest my colleagues think I stand here as some raving radical or even raving conservative, let me tell my friends that I stand here in the tradition of all the people of North Carolina. This amendment would, for the first time in our Nation's history, 204 years or more, amend the Bill of Rights; and it is a Bill of Rights that the State of North Carolina stood up for from the very beginning.

We refused to join the Nation, refused to join this Union because it did not have a Bill of Rights in this Constitution. We refused to ratify the Constitution in August 1788 by a vote of 184 to 83 because the delegates of North Carolina at their ratifying convention wanted a Bill of Rights included in the Constitution.

It is in that tradition that I stand here, not in some tradition of being liberal or conservative. It is a human rights, a historical tradition. The delegates believed that in order to secure freedom there had to be rights and those rights had to be inviolable. My colleagues can do it by the majority. They all are the majority this year, but they might not be the majority next year. So are we going to go back and amend the Constitution and change it back when you are out of the majority?

My friends, get a hold on what we are doing here. This is about protecting the individual liberties of our Nation that every single one of us would fight and die for; our ancestors fought and died for them, and we would fight and die for them again today if we had to do it. But passing this constitutional amendment ain't got a thing to do with fighting and dying for those principles. Having the guts to stand up and say this is a farce, this is a degradation of our Bill of Rights, that is what our Nation is about.

My colleagues all can vote the popular tide all they want, but those of us who know what the historical significance of the Bill of Rights is will stand our ground and hold out our chest and say we are Americans, too. I hope my colleagues will not forget it, whether they are conservative or liberal. This is about protecting American values. That is what this debate is about. Let us get a hold.

Mr. GILCHREST. Mr. Speaker, I yield 6 minutes to the gentleman from New York [Mr. SOLOMON], sponsor of the amendment.

Mr. SOLOMON. Mr. Speaker, the previous speaker, the gentleman from North Carolina [Mr. WATT], I suppose, I thought I heard him say he was representing the State of North Carolina. I have here Resolution No. 230 from the State of North Carolina legislature asking for this amendment.

The gentleman also said that he was critical of conservatives' efforts to undermine the Constitution. I would just pose the question, did we undermine the Constitution when we added all of the Bill of Rights to the Constitution? I do not think so. Did we undermine the Constitution when we added the 13th, 14th, and 15th amendments on civil rights? I do not think so.

□ 1215

Did we undermine the Constitution when we gave 18-year-olds the right to vote? I do not think so. And I could go through the other 27, but, Mr. Speaker, let me just tell my colleagues I cannot tell them how excited I am that we are finally going to have this opportunity to pass this resolution with more than 300 votes here today, far more than the 290 that we need. And I want to thank the gentleman from Florida [Mr. CANADY], the subcommittee chairman, for steering this amendment on to this floor so soon. I want to thank the gentleman from Illinois [Mr. LIPINSKI] over on the other side of the aisle, one of the good Democrats, who is the bipartisan cosponsor, the main cosponsor, of this legislation, for bringing it here today.

Mr. Speaker, it has been a long time, as I said earlier today, since that tragic day in 1989 when five Supreme Court justices, only five out of nine, said that it was unconstitutional to ban flag burning. Just ask all of the supporters one sees here today all over the Capitol in their uniform who put thousands of hours into the grassroots efforts to pass this amendment. That is why I am so proud to be on the floor today as the main sponsor of the legislation.

Mr. Speaker, today we are hearing the same old arguments that we have heard for years now, for 8 years. I respect those opinions. That is in their first amendment rights, to get up and say what they are saying here today. But, Mr. Speaker, supporters of this amendment come to the floor today with overwhelming support, with nearly 80 percent of the American people, 80 percent. Can they be that wrong? All around the Capitol today we see all of the major veterans organizations who, along with 100 organizations, make up the Citizens Flag Alliance and numbering more than 12 million American citizens. They have asked us to pass this amendment today. These are people who have headed this grassroots movement.

In fact we can see for ourselves the stack of over 3 million signatures right there on this table from all constituents from all walks of life. They are people from all walks of life, from religious organizations like the Knights of Columbus and the Masonic Orders, Mr. Speaker, from civic organizations; as I mentioned before, from immigrant people that have come to this country. They are Polish and Hungarian and Ukrainian and a lot of other backgrounds. They support this legislation from fraternal organizations like the Benevolent Order of Elks and the Federation of Police, and it goes on, and on, and on; others, like the National Grange, the Future Farmers of America. These are not just veterans who have served their country; this is a cross-section of America asking for this amendment. And again as I have said, 49 out of 50 States have asked for this amendment to be sent to them so that they can ratify it. After all, Mr. Speaker, can 49 out of 50 States be all that wrong?

Some opponents of this amendment claim it is an infringement on their first amendment rights of freedom of speech, and they claim, if the American people knew it, they would be against this amendment. Well, there is a Gallup Poll just taken recently of the American people, and they ask them, and these are real people, Mr. Speaker, these are not people just here inside the beltway. They are out there in real America, outside this beltway. Seventy-six percent of the people said, no, a constitutional amendment to protect our flag would not jeopardize their right of freedom of speech. That is the overwhelming majority of the American people, not just a simple majority.

In other words, the American people do not view flag burning as a protected right, and they still want this constitutional amendment passed no matter

what. That is what they said in the poll: No matter what, pass this amendment.

Mr. Speaker, we should never stifle speech, and that is not what we are seeking to do here today. People can state their disapproval of this amendment, they can state their disapproval for this country, if they want to. That is their protected right. However, it is also the right of people to redress their grievances and to amend the Constitution as they see fit. That is what our forefathers gave us the right to do, and they made it very difficult to do. They are asking for this amendment.

Therefore I am asking my colleagues to send this amendment to the States and let the American people decide, not just here in this Congress. Even if my colleagues are opposed to this amendment, give the American people the right to make this decision. My colleagues should not try to make it themselves.

And lastly, Mr. Speaker, over the last two centuries and especially in recent years, immigrants from all over this world have flocked to this great country of ours knowing little about our culture and little about our heritage. But they know a lot about our flag, and they respect it, they salute it, they pledge allegiance to it. And Mr. Speaker, it is the flag which has brought this diverse country of ours together. It is the flag that will keep us together no matter what our ethnic differences, no matter where we come from, whether it is up in the Adirondack Mountains where I live, or Los Angeles, CA, St. Louis, MO, or Dallas, TX. It is the common bond which brings us to this point where we can elevate the Stars and Stripes above the political fray.

That is why it is bipartisan here today with an overwhelming 285 Members, Republicans and Democrats, supporting this amendment. That is why my colleagues must come over here and they must vote yes on it and give the people that they represent the chance to ratify it. My colleagues owe it to those people, and they owe it to America.

Mr. LIPINSKI. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee [Mr. CLEMENT].

Mr. CLEMENT. Mr. Speaker, this argument is a strong argument. I realize there are different points of view. One can have a difference of opinion without having a difference of principle. I am a veteran myself, but whether one is a veteran or not, as my colleagues know, I want to do everything I can to honor the flag, to protect the flag because too many people have died in too many wars not to honor that flag and to protect that flag because it means sacrifice. It means that people have given their life to protect this great country.

That is why I rise today in strong support of House Joint Resolution 54, the American Flag Protection Amendment.

This Saturday is Flag Day, a day when Americans all around this Nation will be flying the Stars and Stripes from their homes and businesses in honor of their heritage. Flag Day is celebrated on June 14 in memory of the day in 1777 when the Continental Congress adopted the Stars and Stripes as the official flag of the United States.

While the American flag has changed through the years, the principles for which it stands have not. My colleagues, the flag is a national asset which deserves our respect and protection. We salute it, pledge allegiance to it, fly it from our homes and businesses. When we turn to the flag with head held high and hand over our heart, we give due honor to those who have defended this great Republic.

Please honor these brave men and women and vote ''yes'' on Senate Joint Resolution 54. I have no doubt that it is going to pass by a resounding number of votes today to send a message across the United States that we honor this country, and this is the country that honors freedom. This is the symbol for all other countries in the world to look at America as the place where we can cherish the flag as well as to look at the United States Capitol as a monument for freedom and peace in the world.

Mr. CONYERS. Mr. Speaker, I yield 6 minutes to the gentleman from New York [Mr. ACKERMAN], a great legislator.

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

Mr. ACKERMAN. Mr. Speaker, our Founding Fathers must be very puzzled looking down on us today; and instead of seeing us dealing with the very real challenges that face our Nation, they see us laboring under this great compulsion to amend the document that underpins our democracy and trying to give this Congress a great new power at the expense of the people, the power for the first time to stifle dissent. The threat must be great, they must be saying, to justify changing the Bill of Rights for the first time and decreasing, rather than increasing, the rights of the people.

And what is the threat? Is our democracy at risk? What is the crisis in the Republic? What is the challenge to our way of life? Where is our belief system threatened? Are people jumping from behind parked cars waving burning flags at us trying to prevent us from going to work? Trying to grind America to a halt? Do we really believe that we are under such a siege because of a few loose cannons? Need we change the Constitution to save our democracy?

The real threat is not the occasional burning of a flag but the permanent banning of the burners. The real threat is that some of us have now mistaken the flag for a religious icon to be worshipped rather than the symbol of our freedom that is to be cherished. Rather than allowing someone to insult them by demeaning the flag, they would diminish our Constitution.

These rare but vile acts of desecration that have been cited by those who propose changing our founding document do not threaten anybody. If a jerk burns a flag, America is not threatened, democracy is not under siege, freedom is not at risk and we are not threatened, my colleagues; we are offended. And to change the Constitution because someone offends us is in itself unconscionable.

The Nazis, Mr. Speaker, the Nazis and fascists and the imperial Japanese army combined, could not diminish the rights of even one single American; and yet in an act of cowardice, Mr. Speaker, we are about to do what they could not.

Where are the patriots? What ever happened to fighting to the death for somebody's right to disagree? We now choose instead to react by taking away the right to protest. Even a despicable low-life social malcontent has a right to disagree, and he has a right to disagree in an obnoxious fashion if he wishes. That is the test of free expression, and we are about to fail that test.

Real patriots choose freedom over symbolism. That is the ultimate contest between substance and form. Why does the flag need protecting? Burning one flag or burning a thousand flags does not destroy it. It is a symbol. But change one word of our living Constitution of this great Nation, and it and we will never be the same. We cannot destroy a symbol. Yes, people burn the flag, but, Mr. Speaker, there it is again, right in back. It goes on. It cannot be destroyed. It represents our beliefs.

Now, poets and patriots will tell us that men have died for the flag. But that language itself is symbolic. People do not die for symbols. They fight and they die for freedom. They fight and they die for democracy. They fight and they die for values. To fight and die for the flag means to fight and die for the cause.

Let us remind ourselves we did not enter World War II because the Japanese sunk a bunch of our flags. There happened to have been ships filled with men tied to the other end of those flagpoles, and our way of life was threatened.

We love and we honor and we respect our flag for what it represents. It is different from all other flags. And I notice we do not make it illegal to burn some other country's flags, and that is because our flag is different. No, it is not different because of its shape; they are all basically the same. And it is not different because of its design; they are all similar. And no, not because of the colors. Many have the same colors. Our flag is unique only because it represents our unique values, it represents tolerance for dissent. This country was founded by dissenters that others found obnoxious.

□ 1230

And what is a dissenter? In this case it is a social protestor who feels so

strongly about an issue that one would stoop so low as to try to get under our skin and to try to rile us up to prove his point, and have us react by making this great Nation less than it was. And how are we going to react?

Dictatorships crack down on people who burn their nation's flags, not democracies. We tolerate dissent and dissenters, even despicable dissenters.

What is the flag, the American flag? Yes, it is a piece of cloth. It is red, white, and blue with 50 stars and 13 stripes. But what if we pass this amendment and desecrators make flags with 55 stars and burn them? Will we rush to amend our law again? And if they add a stripe or two and set it ablaze, and it surely looks like our flag, but is it? Do we rush in and count the stripes before determining whether or not we have been constitutionally insulted? And what if the stripes are orange instead of red? What mischief are we doing? If it is a full-size color picture of the flag they burn, is it a crime to desecrate a symbol of a symbol? What are we doing?

Our beloved flag represents a great nation, Mr. Speaker. We love our flag because there is a great republic for which it stands made great by a Constitution that we want to protect, a Constitution given to our care by giants and about to be nibbled to death by dwarfs.

Mr. Speaker, I call upon the patriots of the House to rise and defend the Constitution, resist the temptation to drape ourselves in the flag and hold sacred the Bill of Rights. Defend our Constitution and defeat this amendment.

Mr. CANADY of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Arkansas [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Speaker, I thank the gentleman from Florida for yielding me this time. I want to express my appreciation to him for his leadership on this issue, as well as the principal sponsor, the gentleman from New York [Mr. SOLOMON].

Mr. Speaker, I rise in strong support of House Joint Resolution 54, an amendment to the U.S. Constitution to prohibit the physical desecration of the American flag. I am a proud cosponsor of this resolution and am committed to seeing it sent out to the States for ratification.

Like so many other State legislatures, my own State of Arkansas has called on the U.S. Congress to pass this amendment. It is time that we responded to their calls.

Mr. Speaker, the only real objection that I hear concerning this resolution is that somehow protecting the flag infringes upon free speech. The Supreme Court of the United States, in a very close decision, a 5-to-4 decision, ruled that desecrating the flag is to be considered speech that must be protected. What if, what if one of those judges voting in the majority had voted with the other side and said that burning the flag was conduct that can be regulated and prohibited? Would the opponents say that we need to amend the Constitution to protect that very fundamental right to burn the flag? I doubt that they would suggest that.

So they place more confidence in one judge of the Supreme Court that could have gone either way versus 80 percent of the American people that say we need this amendment to the Constitution and the flag should be protected.

With all due respect, Mr. Speaker, the Supreme Court is wrong. Burning the flag is not speech, but is actionable conduct. The Supreme Court is wrong, the American people are right; the flag is deserving of protection. More than 1 million people have fought and died defending not just the flag, but the very ideals for which it stands. Whether on the shores of Normandy or in the sands of Iwo Jima, the American flag has flown as a tribute to freedom. The clarion call of the Liberty Bell is echoed every day when the American flag is unfurled at home and abroad, and it should be protected.

It is commonly accepted that the physical desecration of the American flag is an affront to the memories and families of those who gave their lives so that future generations might live free from tyranny and oppression. We honor their sacrifice by protecting that precious symbol for which they died.

The flag is special, as the gentleman from New York [Mr. SOLOMON] has pointed out. It is a symbol that is flown at half mast during times of tragedy in our country. It is the flag that is draped over the coffins of our soldiers. It is a special symbol in our country, and in memory of those who have fought and paid the ultimate price for our freedom, the star spangled banner is deserving of protection.

The flag must continue to wave o'er the land of the free with respect, dignity, and honor in the schoolyards of our children, on the porches of our neighborhoods, and yes, even in the trenches when Americans are called upon to protect this country. The resolution before us today brings us one step closer to that goal. I urge my colleagues to support this legislation.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Speaker, I thank the distinguished chairman for yielding me the time and for providing such outstanding leadership, along with the gentleman from New York [Mr. SOLOMON], on this issue.

I believe that the American flag is a sacred symbol of our great Nation. This symbol of our freedom and democracy is worthy of being protected. We owe it to the thousands of service men and women throughout our history that have sacrificed their lives for the ideals represented by the American flag. The flag serves as a remembrance to those who were called upon to make that ultimate sacrifice. Is it wrong to honor their memory by protecting their symbol? No. This concept is neither Republican, Democrat, conservative or liberal. Voting for this legislation is an all-American idea to protect our flag and our country.

There are some who will argue that ending desecration of our great flag will have the effect of attacking our first amendment right to freedom of speech. Not so. So where in this amendment is speech limited? Americans will still be free to say whatever they desire, no matter how repugnant it may seem to others. Nothing is more un-American, Mr. Speaker, than nonviolent speech. There are many expressions that are not protected under free speech, such as shouting ''fire'' in a movie theater.

Mr. Speaker, why should the action of burning the flag be protected when it is most used to incite violence and hatred. I remind my colleagues that Supreme Court Justices Earl Warren, Abe Fortas, and Hugo Black have each written opinions that protecting the flag from physical desecration is consistent with the first amendment. The symbol of our freedom must be protected.

There is widespread support for this amendment across the Nation. Forty-nine States have expressed the desire for approval of this amendment. I would also remind my colleagues that congressional approval of the amendment will only clear the first hurdle in the process. Three-fourths of the State legislatures must still pass the amendment for it to become law. The extremely rigorous nature of the amendment process ensures that there must be a groundswell of unified public support for this to become law, and I urge my colleagues to vote ''aye'' for House Joint Resolution 54.

Mr. CANADY of Florida. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia [Mr. BARR].

Mr. BARR of Georgia. Mr. Speaker, I thank the distinguished chairman of the Subcommittee on the Constitution, the gentleman from Florida [Mr. CANADY], for yielding me this time.

Mr. Speaker, I am somewhat at a loss for words here, after having sat here and listened even in the wake of the rather irrational debate last year by some of those who opposed the constitutional amendment similar to that which we are proposing today, who took the well of this great body and quite with a straight face said they did not know what the flag of the United States of America was, because the debate, and I hesitate to use that word, the shouting on the other side today, the indeed literal raving on the other side against this really is something that I never thought I would witness anywhere, much less in this body.

I suppose, Mr. Speaker, that perhaps only in Washington, DC, could people again, quite with straight faces, take the well of this House and call a constitutional amendment that simply gives the right of the people of this country the opportunity to pass laws in the Congress defending the flag of this country, only in Washington could

somebody with a straight face call those people radicals, or extremists. Yet perhaps it is not really that much of a surprise, Mr. Speaker, because many of these same people believe that it is mainstream to recognize homosexual marriages, believe that it is mainstream to recognize homosexual rights in virtually every other aspect of our society, and yet have the audacity to claim that those tens of millions of Americans, alive and dead, who have defended our country, to call us Nazis for simply standing up, Mr. Speaker, and saying that our flag deserves protection, and the people of this country are asking for it, indeed demanding it, and yet they, those who oppose this amendment, not only call those of us who support it Nazis and extremists and against human rights, apparently now it is a human right, according to the folks on the other side of this issue, to desecrate the flag of this country.

Let us though, Mr. Speaker, put this in proper perspective, and I think the gentleman from New York [Mr. SOLOMON] has done that very, very eloquently, in reminding the citizens of this country that it is not extremist, it is not radical, it is not nazism, it is not dictatorial, to simply say that the people of this country ought to have the right to have their Congress as a manifestation of the will of the vast majority of people in this country to be able to pass a law protecting our flag against desecration.

Indeed, what might perhaps very legitimately be properly labeled as radical are people who take the well of this House and say that the people of this country should be denied that basic right which, indeed, perhaps comes closer to being a human right than what they view as a human right, and that is the right to destroy the one enduring universal symbol of this country, and that is the great flag of the United States of America.

Again, I thank the gentleman from New York [Mr. SOLOMON] and the gentleman from Florida [Mr. CANADY] and the other supporters of this important piece of legislation for recognizing the American people's right to have this voted on and to say to the other side, shame on you for standing up here and saying that the American people should be denied that right. That is all this constitutional proposal does is simply allow the people of this country, through their State legislatures, to do something that the Supreme Court has said is the only way that we, the people of this country, can protect the flag, and that is through this amendment and through laws enacted thereafter.

Mr. CONYERS. Mr. Speaker, I am proud to yield 4 minutes to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Speaker, our flag commands the deepest respect because it stands for a Nation and a community that is strong, strong enough to tolerate diversity and protect the rights of those expressing unpopular views, and even expressing them on some regrettable occasions in a particularly offensive way. It is our Nation's strong commitment to those values, not the particular design of our flag, that makes this country an unparalleled model of freedom and the greatest of all nations, and it was because of those values that I was proud to serve my country in uniform in Vietnam.

Our Nation was founded on the ideals of democracy and freedom, the freedom to speak our minds, to question, to criticize and discuss freely, without interference from the Government. The depth of our commitment to that freedom is tested and measured in precisely those cases like flag-burning where the views expressed are especially offensive.

How do we honor the liberty for which the flag stands? By diminishing the liberty in order to protect the symbol? Justice Brennan put the proposition wisely and rightly in the Johnson case a few years ago, and I quote, ''Nobody can suppose that this one gesture of an unknown man burning a flag will change our Nation's attitude toward a flag. The way to preserve the flag's special role is not to punish those who feel differently. . . It is to persuade them that they are wrong. We do not consecrate the flag by punishing its desecration, for in doing so we dilute the freedom that this cherished emblem represents.''

Today there is a strong movement to limit the scope and the reach of the Federal Government. It is ironic that at this time some would seek to amend the first amendment for the first time and to bring government regulation to selected forms of political expression. That would be a terrible mistake. Our Nation is strong enough to tolerate diversity and protect the rights of all citizens, even those with unpopular views.

The even greater irony is that a constitutional amendment ultimately would render respect for the flag into a government mandate, and so, sadly, to contribute to its own undoing.

What is the grave danger to the republic that would be remedied by this amendment? There is none. What case can be made that this amendment would enhance our constitutional order? Absolutely none. And absent a significant evil to be avoided or some significant improvement to be made, we simply should not undertake the most serious of all acts of Congress, an amendment to the Constitution.

We have heard a lot lately about cost-benefit analysis. What about now? The costs: A real, if subtle, paring down of the rights of open and free expression, a little softening up of the first amendment, making subsequent and more damaging cuts into its protection of freedom that much easier; probably years of litigation about the meaning of the terms ''flag'' and ''desecration'' that will abound under this proposed amendment.

□ 1245

The benefit? Old Glory will be protected, even as the magnificent freedoms for which it stands are diminished. We are given a choice, Mr. Speaker. We may allow a few fools a year to tear the flag, or we may deny them, yet in the process tear the Bill of Rights itself, a small price for the protection of all liberty, an unthinkable price for the erosion of liberty.

Mr. LIPINSKI. Mr. Speaker, I yield 30 seconds to the gentleman from New Jersey [Mr. MENENDEZ].

Mr. BARR of Georgia. Mr. Speaker, I yield an additional minute to the gentleman from New Jersey [Mr. MENENDEZ].

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). The gentleman from New Jersey [Mr. MENENDEZ] is recognized for 1½ minutes.

Mr. MENENDEZ. Mr. Speaker, as one of the cosponsors of this resolution, I rise in strong support of it. The flag of the United States of America is unique among all the symbols of this great Nation. No other symbol of our country is so universally recognized or beloved by its people.

Since it was first flown more than 200 years ago, it has represented our unity as a people, our unity based upon the diversity of a people whose heritage traces back from all parts of the world. Some of our families came to America to escape religious persecution. Some, like my own parents, came here to escape political repression. But under the protection of the American flag, we have been one people with a common bond, regardless of our individual ancestries.

Our flag has been carried into battle since the Revolutionary War. Thousands have died for the American flag and what it represents, and in turn have had it draped on their coffins in a silent but powerful recognition of their ultimate sacrifice. We honor it annually on Flag Day. We in the House of Representatives begin each day by reciting the Pledge of Allegiance that begins: ''I pledge allegiance to the flag of the United States of America.''

Our commitment to it is a reflection of our country's commitment to its people. The American flag is a symbol of American might and resolve, but it is also a symbol of hope and freedom. It is a symbol of the freedom secured by so many at such a great price. To desecrate it is to desecrate the memory of those who died for it. To burn it is to incite the general public.

Clearly we have created legitimate limitations on speech: fire in a theater, the burning of a cross, the painting of swastikas; those have been determined as crimes. I ask my colleagues, in special recognition of that history, that we give it the special protection that it deserves today.

Mr. LIPINSKI. Mr. Speaker, I yield 30 seconds to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. BARR of Georgia. Mr. Speaker, I yield an additional 1 minute and 30 seconds to the gentleman from Massachusetts [Mr. KENNEDY].

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. KENNEDY] is recognized for 2 minutes and 30 seconds.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I rise in strong support of the initiative to try and make certain that we do not allow our flag to be desecrated.

I think we as a Nation have far too few symbols of what it means to be the freest and most formidable democracy on the face of the Earth. I think rather than, as so many of my Democratic colleagues and particularly liberal Democrats have suggested, that this is outrageous and basically an invasion of our rights as provided in our Constitution, I could not disagree more wholeheartedly. I think that this is a protection that we fight for in our democracy. We need to have a few symbols of what it means to be an American. That is what this is all about.

As Professor Parker of Harvard University, who at one time worked for my dad, persuasively argued, that rather than a process for limiting free speech, this amendment is a democratic vehicle for the highest expression of free speech. The amendment is a way for people, through their elected representatives, to establish a baseline, a national standard for robust and wide open freedom of speech. Simply put, amending the Constitution is a way of protecting the first amendment as it now stands. In the words of Professor Parker, ''It is not fiddling with the first amendment, it protects the first amendment.''

The time is long overdue for defining what we are as a Nation dare to believe in and uphold as sacred. The American flag, which so many have fought and died for, deserves the protection of this amendment. The time has come, Mr. Speaker, to draw that line in the sand and protect the American flag as a symbol of our national unity.

Mr. CONYERS. Mr. Speaker, I yield myself 5 seconds.

Mr. Speaker, I would remind the previous speaker that a friend of ours in the Senate from Massachusetts and another friend of ours from the State of Rhode Island have a contrary view.

Mr. LIPINSKI. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. TRAFICANT].

Mr. BARR of Georgia. Mr. Speaker, I am glad to yield 2 minutes to the gentleman from Ohio [Mr. TRAFICANT].

The SPEAKER pro tempore. The gentleman from Ohio [Mr. TRAFICANT] is recognized for 3 minutes.

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

Mr. TRAFICANT. Mr. Speaker, in America it is illegal to burn trash, but you can burn the flag. In America it is illegal to remove a label from a mattress, but you can in fact rip the stars and stripes from our flag. In America it is illegal to damage a mailbox, but you can destroy our flag.

Some people believe today that this debate is not about the flag, that this debate is about the Constitution. Let us talk about that. The original Constitution allowed slavery. The original Constitution treated women like cattle. The original Constitution treated native American Indians like buffaloes. The original Constitution needed to be changed then. The Constitution needs to be changed now.

Mr. Speaker, this is not a debate about a flag, this is a debate about national pride. A people that do not in fact honor and respect their flag is a people that does not honor and respect either their neighbors or their country.

If America wants to protest, if Americans want to make political statements, burn your brassieres, burn your pantyhose, your BVD's, your credit cards, burn your dollar bills, take a sledgehammer and destroy your car, but the Congress of the United States should say, leave our flag alone. Today's debate, Mr. Speaker, is not about the flag. That is for sure. It is about our national pride.

Let me tell every Member, those soldiers who were carrying that flag up the hill, they were not crawling, groveling, trying to hide from the fire, they were upright. They had that flag up there for everybody to see what that flag meant. They knew they may not come back, but their children would see that flag and their children would respect that flag.

Today's debate is not about the flag, it is about national pride and national respect. I submit, Mr. Speaker, if we as a Congress are going to start reinforcing national pride and respect in our countrymen and in our country, we should change this Constitution. It was right years ago and it is right and fitting today.

I commend the gentleman from New York [Mr. SOLOMON] and I commend this legislation, and I would hope we would get enough votes to pass it.

Mr. CONYERS. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, I would explain to my friend, the gentleman from Ohio [Mr. TRAFICANT] who has lectured us about brassiere and pantyhose burning, mailbox bashing, burning of trash, my dear friend, the gentleman from Ohio [Mr. TRAFICANT], those are not symbolic speech. They are not protected by the Constitution.

Mr. TRAFICANT. Just a little common sense, Mr. Chairman.

Mr. BARR of Georgia. Mr. Speaker, I am proud to yield 2 minutes to the gentleman from Pennsylvania [Mr. PETERSON].

Mr. PETERSON of Pennsylvania. Mr. Speaker, I proudly and passionately rise today to support this amendment that prevents the desecration of the symbol of freedom, the symbol of opportunity, the symbol that was created with bloodshed. Many of our forefathers gave everything, their life, for this symbol. I thank the gentleman from New York [Mr. SOLOMON] and the gentleman from Florida [Mr. CANADY] for their leadership on this issue, and for allowing me to participate. I am also fiercely proud to join 280-some colleagues in sponsoring this important amendment that will allow Congress to protect our symbol of freedom, our symbol of opportunity.

I think it is important to point out precisely what this amendment says. It simply says that Congress shall have the power to prohibit the physical desecration of the flag of the United States. It does not prescribe how that should be done.

Rather, what it does do is restore to Congress the authority to prohibit the physical desecration of the flag, and really what this means is that it restores the power to the American people via their elected representatives, and not to live with changes brought about by a very liberal judiciary.

As Justice Rehnquist noted, the flag is not simply another idea or point of view competing for recognition in the marketplace of ideas. Millions and millions of Americans regard it with almost mystical reverence. All should. In my view, it is literally the fabric which binds us together. It is the symbol of who we are and the emblem we rally around when times get tough.

A gentleman by the name of Mike Ashmond in my district was an immigrant from Iran. He knew what it was like not to live in freedom. He went to Germany first, learned of the freedoms of America, moved to America to run his business, and he loves our American flag. Instead of cutting the ribbon in his business recently he raised the American flag, and he stated, ''I want to be able to look out my office window and see the symbol of freedom and opportunity. I want to look out my dining room window and see the symbol of freedom and opportunity, and everywhere I go around my community, because the American people need to realize the price paid for freedom and the freedom and opportunity that it stands for.''

Mr. CONYERS. Mr. Speaker, I yield 7 minutes to the distinguished gentlewoman from Texas, Ms. SHEILA JACKSON-LEE, an important 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. Speaker, I thank the ranking member very much for his kindness in yielding to me.

Mr. Speaker, I certainly do acknowledge as the sponsor of this amendment that the American people have spoken loudly and resoundingly. There is something great about this debate this afternoon. It is a reflection on what America is all about. America is about disagreement. America is about preserving the Republic.

I realized when I went to this well that I would be a rather lonely person,

that the numbers are against me; that in fact the wave of the popular vote says to pass this amendment. But I stand here very proudly, because I live in a nation that allows me and my dissident voice to be able to speak in opposition. Sometimes the tyranny of the majority must be opposed.

As a youngster I used to idolize Abe Lincoln, taught in our schools as a benevolent leader who freed the slaves. Now I understand as an adult that he sought to preserve the Union against, of course, the opposition of a great deal of the majority. Sometimes you must stand lonely to preserve the Union.

So I stand to preserve this Union today. I stand in opposition to my State, the State of Texas. I stand in opposition to those who I have sat and watched on television, for I was not allowed at that time to rise up and be drafted, tears in my eyes as we fought in the Vietnam war. I heard my grandmother tell stories of wondering whether her boys would return from World War II, and yes, friends and neighbors were in the Korean war, and I watched those in my neighborhood go off to Kuwait.

Yet, this amendment says Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the Government for redress of grievances.

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Mr. Speaker, I call the gentleman from Michigan [Mr. CONYERS] ''JOHN'' because I appreciate his steadfast view on the Constitution. It is because of his tradition and that of Barbara Jordan that I carry this Constitution with me on a daily basis.

It is because of that that I recognize that we are fighting today not so much for the flag and the symbol of freedom but we are fighting to preserve this Union. I do not need to be in the well and shout. There is nothing more that I can say that will convince those of my colleagues who are prepared to vote almost unanimously for this amendment.

But I can tell them, having traveled across this land and having the privilege of traveling internationally, I can assure them that Bosnia would have wanted to have a constitution and a nation that did not see the bloody fight. I can assure them that there would have been more preference to the burning of a flag than a Mideast war or the war in the Congo or Liberia or the war that rages in Northern Ireland.

I say to the children, of which those who have gone to the floor have said they truly have a reason to pledge allegiance to the flag of the United States because it is in fact a symbol of freedom, that freedom goes beyond the material of a flag.

I wish I could have been there as we penned the Star-Spangled Banner because I think that is a symbol of freedom. A tarred and marred flag, probably torn and burned, but yet still waving, caused the inspiration of the Star-Spangled Banner. It was the value that had been preserved. It was freedom that had been won. We had won this.

And to the veterans, let me simply say to them, I understand the message that is given to them as they go into battle. That battle is that they fight for the flag. But, no, they fight for Mrs. Jones or they fight for Mrs. Kazarazz or Mrs. Lee or any other ethnic group that have come to this Nation for freedom.

Yes, let me say something to my colleagues. There is a tragic, tragic story being unfolded in Denver, CO. I can say with the deepest of feeling in my heart, I wish that Tim McVeigh had burned a flag and not bombed and killed 168 Americans whose loved ones cry every day for their loss.

It is important that we understand what this constitutional amendment does. It is, in fact, an amendment that says that Congress has a right to define what type of desecration would be legal or illegal. That in and of itself is a denial of freedom, the very fact that we do not even know what we are trying to do. We do not know what we will claim as illegal. We do not know what we will deny a citizen the right of freedom of expression.

I have come from a time when those of us who look like me could not speak, could not ride in the front of the bus. I am grateful for those of goodwill who saw that if we left one person outside the circle, this could not be an equal nation. Well, we are going to do that today.

I leave Members with these words: ''The sacred rights of mankind are not to be rummaged among old parchments or musty records. They are written as with a sunbeam in the whole volume of human nature, by the hand of the divinity itself, and can never erased or obscured by mortal power.'' Alexander Hamilton.

John Marshall said, ''A Constitution intended to endure for ages to come, and consequently, to be adapted to the various crises of human affairs.''

We have not seen a flag burned for almost 20 years.

Then I want to say to my colleagues what Benjamin Franklin said. At the conclusion of the Constitutional Convention Benjamin Franklin was asked, ''What have you wrought?'' He answered, ''A Republic, if you can keep it.''

That is my challenge for this day, and I will remain lonely in this well, for I am going to try and keep this Republic and vote on the side of freedom of this Constitution, the first amendment and the Bill of Rights that has not been amended.

And might I just say, in tribute to someone that I hold with great respect and carried this Constitution, Barbara Jordan would certainly say today, I wish we would all stand to keep the Republic.

Mr. Speaker, it is without question that I rise in opposition to House Joint Resolution 54—proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States.

My colleagues, when Thomas Jefferson penned the Declaration of Independence, he wrote that: ''We, therefore, the Representatives of the United States of America, in General Congress, assembled, solemnly publish and declare, that these colonies are * * * free and independent States * * * and we mutually pledge to each other our lives, our fortunes, and our sacred honor * * * our sacred honor.''

My colleagues, that is what the American flag stands for—honor. But it also stands for something even more sacred—freedom. Freedom of expression as contained in the first amendment and the Bill of Rights.

''Congress shall make no law * * * abridging the freedom of speech.'' This amendment, if passed, for the first time in our Nation's history, would cut back on the first amendment's guarantee of freedom of expression that is the bedrock of our democracy, and one of the fundamental guarantees contained in the Bill of Rights.

In his 1859 essay on liberty, John Stuart Mill recognized the public good and enlightenment which results from the free exchange of ideas. He writes: ''First, if any expression is compelled to silence, that opinion for aught we can certainly know, be true * * * secondly, though this silenced opinion be in error, it may, and very commonly does, contain a portion of the truth * * * thirdly, even if the received opinion be not only true but the whole truth; unless it is suffered to be and actually is, vigorously and earnestly contested, it will by most of those who receive it, be held in the manner of a prejudice.''

The American system of Government is itself premised on freedom of expression.

On the subject of freedom of expression, Professor Emerson notes: ''Once one accepts the premise of the Declaration of Independence—that governments derive 'their just powers from the consent of government'—it follows that the governed must, in order to exercise their right of consent, have full freedom of expression both in forming individual judgments and in forming the common judgments''.

In the 204 year history of the Constitution of the United States, not one single word of the original Bill of Rights has been altered. What is the urgency and need to change the Bill of Rights now. There is none.

It is my firm belief that this effort to amend the Constitution of the United States, like other efforts by this same body to amend the Constitution, is an exercise in misjudgment and a severe waste of precious time.

It is rare that a flag is ever burned in our country as a form of political speech or otherwise. From 1777 through 1989, only 45 incidents of flag burning were reported; since the 1989 flag decision, fewer than 10 flag burning incidents have been reported per year.

The flag is a symbol. It is a symbol of freedom, not freedom itself. When given the choice, I chose freedom over symbolism. For it is freedom that allows me to choose the symbols that represent what I believe. Am I offended by the burning of the flag? Yes. But am I threatened by it? No. Where is the imminent threat to freedom in burning the flag? It

is simply not present. The real threat are those who seek to amend the Constitution of the United States and severely limit the prized protection of freedom of speech and the Bill of Rights.

It is evident that this is not the first time that we have visited this issue. Congress, in an effort to protect the American flag, passed the first Federal flag desecration law in 1968, which made it illegal to ''knowingly'' cast ''contempt'' upon ''any flag of the United States by publicly mutilating, defacing, defiling, burning, or trampling upon [the flag],'' which additionally imposed a penalty of up to $1,000 in fines and/or 1 year in jail. In 1969, the Supreme Court in *Street* v. *New York,* 394 U.S. 576, held that New York could not convict a person based on his verbal remarks disparaging the flag.

In 1972, the Supreme Court in *Smith* v. *Goguen,* 415 U.S. 566, held that Massachusetts could not prosecute a person for wearing a small cloth replica of the flag on the seat of his pants based on a State law making it a crime to publicly treat the U.S. flag with ''contempt.'' The Court ruled that the Massachusetts law was vague and thus, unconstitutional.

In 1974, the Supreme Court in *Spence* v. *Washington,* 418 U.S. 405, overturned a Washington State ''improper use'' flag law which, inter alia, made it illegal to place any marks or designs upon the flag or display such an altered flag in public view.

In each of these three cases, the Supreme Court failed to review the case under the protection of the first amendment.

It was not until 1989, 21 years after the adoption of the 1968 Federal flag desecration law, that the Supreme Court addressed the issue of flag desecration as it related to the first amendment. In *Texas* v. *Johnson,* 491 U.S. 397, the Supreme Court upheld the finding of the Texas Court of Criminal Appeals that Texas law—making it a crime to desecrate or otherwise mistreat the flag in a way that the ''actor knows will seriously offend one or more persons''—was unconstitutional as applied.

Gregory Johnson was a member of the Revolutionary Communists Party who was arrested during a demonstration outside of the 1984 Republican National Convention in Dallas, TX, after he set fire to a flag while protestors chanted, ''America, the Red, White and Blue, we spit on you.''

In a 5 to 4 decision written by Justice Brennan, the Court first found that burning the flag in political protest was a form of expressive conduct and symbolic speech subject to first amendment protection. The Court also determined that under *United States* v. *O'Brian,* 391 U.S. 367 (1967), since the State law was related to the suppression of freedom of expression, the conviction could only be upheld if Texas could demonstrate a ''compelling'' interest in its law. The Court found that Texas' asserted interest in ''protecting the peace'' was not implicated under the facts of the case. While the Court acknowledged that Texas had a legitimate interest in preserving the flag as a ''symbol of national unity.'' This interest was not sufficiently compelling to justify a ''content based'' legal restriction—that is, the law was not based on protecting the physical integrity of the flag in all circumstances, but was designed to protect it from symbolic protest likely to cause offense to others.

In an unequivocal show of contempt for the holding of the Supreme Court in Texas versus Johnson, Members of Congress who supported the Federal flag desecration statute hastily amended it in an effort to make it ''content neutral'' and conform to the constitutional requirements of Johnson. As a result, the Flag Protection Act of 1989 sought to prohibit flag desecration under all circumstances. This was attempted by deleting the statutory requirement that the conduct cast contempt upon the flag and narrowing the definition of the term ''flag'' so that its meaning was not based on the observation of third parties.

After a wave of flag burnings in response to passage of the Flag Protection Act, the Bush administration decided to test the law. One incident on the Capital steps in Washington, DC and the other incident in Seattle resulted in the Federal District Court judges in each jurisdiction striking down the 1989 Flag protection law as unconstitutional when applied to political protesters. Each judge relied on the Supreme Court's decision in Johnson in reaching their decisions.

In 1990, the Supreme Court accepted jurisdiction of these cases consolidated as *U.S.* v. *Eichman,* 496 U.S. 310. In a 5 to 4 decision, the Court upheld the lower Federal courts ruling, thus striking down the Flag Protection Act of 1989. The Court held that notwithstanding the effort of Congress to adopt a more content neutral law, the Flag Protection Act continued to be principally aimed at limiting symbolic speech. The Court ruled that the Government's interest in protecting the flag's ''status as a symbol of our Nation and certain national ideals'' was related ''to the suppression of free expression'' and that this interest could not justify ''infringement on first amendment rights.'' The 1989 law was still subject to strict scrutiny because it could not be justified without reference to the content of free speech.

The decision of the Supreme Court did not put the issue to rest. In 1990, after the Eichman decision, Congress considered and rejected House Joint Resolution 350—an amendment to the U.S. Constitution specifying that ''the Congress and the States have the power to prohibit the physical desecration of the flag of the United States.'' This failed to get the necessary two-thirds congressional majority by a vote of 254 to 177 in the House and 58 to 42 vote in the Senate.

In 1995, Congress considered the same amendment, House Joint Resolution 79, in the form of two separate resolutions. In the House, the measure passed by a vote of 312 to 120, but a similar measure in the Senate, Senate Joint Resolution 31, failed by a vote of 63 to 36, thus not getting the necessary two-thirds majority of the Senate.

Mr. Speaker, after all of this posturing by Members of Congress in both Houses, here we are again wasting time on the same unnecessary amendment to the Constitution of the United States. The only difference between the resolution that we have before us today, House Joint Resolution 54, and the resolution which failed in the 104th Congress, House Joint Resolution 79, is that House Joint Resolution 54, gives the power to prohibit the physical desecration of the flag of the United States to Congress only, and not to the States. This is the same Trojan horse that was destroyed in the 104th Congress, just a little lighter.

The first amendment implication of this resolution is most damaging. If passed, this would be the very first time in the history of our Nation that we altered the Bill of Rights to place a severe limitation on the prized freedom of expression. This would be a dangerous precedent to set, thus opening the door to the erosion of our protected fundamental freedoms.

The amendment, as written is vague. It states that, ''Congress shall have power to prohibit the physical desecration of the flag of the United States.'' What does the term ''desecration'' actually mean? Is it the burning of the flag? Flag burning is the preferred means of disposing of the flag when it is old. The Court noted in Texas versus Johnson, that according to Congress it is proper to burn the flag, ''when it [the flag] is in such a condition that it is no longer a fitting emblem for display.'' What criteria will be used to determine when the flag is no longer fit for display and can thus be burned without penalty.

When it comes to potential infringements on first amendment rights, Americans need to clearly understand what would be a violation of the law. This amendment clearly involves an issue of freedom of expression, which is critical to our Democratic system. Adoption of this resolution would amount to a severe restriction of the Bill of Rights.

Surrounding the definition of ''desecration'' is its religious connotation. Webster Dictionary defines ''desecrate'' as ''to violate the sacredness of.'' The word ''sacred'' is defined as ''consecrated to a God or having to do with religion.'' It is not necessary to include the religious word ''desecration'' within the Constitution and clause unnecessary tension and confusion with the religious clause of the first amendment.

Let me turn my attention to the unwisdom of unnecessarily amending the constitution and playing with the Bill of Rights. The Constitution should not be amendment based on the whims of Members of Congress. There is no urgent need to protect the flag of the United States via an amendment to the Constitution. The pressing need for this proposed amendment to the Constitution of the United States is simply not present.

Mr. Speaker, our veterans fought bravely for the beliefs and values of the American people, not the symbols of the American people. The flag of the United States is a symbol. It is a symbolic representation of the beliefs, values, and views associated with freedom. Our brave soldiers and veterans, both men and women, fight on behalf of the United States. They fight to protect the people of the United States. They fight to protect the beliefs and values of the people of the United States; and our soldiers and veterans die protecting those beliefs. Our soldiers and veterans died for the beliefs of the American people; not the flag.

In quoting the legal philosopher, Lon Fuller, on amending the Constitution, he stated that, ''we should resist the temptation to clutter up the Constitution with amendments relating to substantive matters. We must avoid the obvious unwisdom of trying to solve tomorrow's problems today and the insidious danger of the weakening effect of such amendments on the moral force of the Constitution.'' I continue to share this quote with my colleagues because they continue to try to follow the unwise path of unnecessarily amending the Constitution. Since the beginning of this Republican-majority Congress, Members have tried a number of times to amend the Constitution. This is absurd.

Mr. Speaker, for these reasons, I urge my colleagues to vote "no" on House Joint Resolution 54.

Mr. CANADY of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. GREEN].

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

Mr. GREEN. Mr. Speaker, I think it is ironic that I am on the opposite side of my colleague from Houston, and I only have 1 minute. I will try and say it quickly.

I rise as a cosponsor of House Joint Resolution 54. I am proud to be a cosponsor this session and last session. I think it is so important that we recognize, though, that freedom of speech has limits on it. And as much as I defend the right of someone to disagree with what I say on the floor or anyone says on the floor, we also have some limits.

That flag that we have is a symbol of that freedom. Now, granted, it is carried into battle. I would hope that our service personnel would carry the Constitution with them, too. But the flag is that symbol. That is why I think it is important that we pass this constitutional amendment today and send it on to the States for their ratification.

The burning of our national symbol is something that huge majority finds that we should change. This amendment is trying to protect those intangible qualities that the Bill of Rights represents, and it also represents our flag. I ask that we pass this with the two-thirds vote and hopefully the Senate will also.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Speaker, I rise in strong support of the amendment offered by the gentleman from New York [Mr. SOLOMON] and the gentleman from Illinois [Mr. LIPINSKI] here today.

Woodrow Wilson, our President earlier in this century, once said the flag is the embodiment not of sentiment but of history. It represents the experiences made by men and women, the experiences of those who do and live under this flag.

We are not talking about a symbol. We are talking about our history. We are not limiting the first amendment. We are not saying you cannot criticize an elected official. We are not saying you cannot protest a governmental policy. We are not saying you cannot investigate an alleged violation.

But we are saying that the flag of the United States of America, where our soldiers have fought and died for the freedoms that we hold so dear in this country, where they have fought for the freedoms of Europe and fought to defeat Hitler, where we have carried flags in civil rights marches for equality in this country, that is something unique and special. That cannot and should not be burned.

That flag that is staked on the moon, that flag that is symbolized at Iwo Jima, and this flag that hangs over ''in God we trust'' is not an insignia and not merely a symbol. It is the United States of America's history. It is our truce. It is our reverence, and we should protect it. I urge my colleagues to vote for this bipartisan amendment.

Mr. CANADY of Florida. Mr. Speaker, I would inquire of the Chair concerning the amount of time remaining on both sides.

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). The gentleman from Florida [Mr. CANADY] has 26 minutes remaining, the gentleman from Michigan [Mr. CONYERS] has 17½ minutes remaining, and the gentleman from Illinois [Mr. LIPINSKI] has 2 minutes remaining.

Mr. CANADY of Florida. Mr. Speaker, 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. Speaker, I am proud to stand today and join so many of my colleagues as an original cosponsor and strong supporter of House Joint Resolution 54, the flag desecration amendment.

Many individuals have given their lives, have made the ultimate sacrifice to protect the values that are embodied in our flag. To desecrate the flag, I think, is to belittle the sacrifices of our patriots. Forty-nine out of fifty States, including my home State of New Jersey, have passed resolutions urging the adoption of a constitutional amendment prohibiting the desecration of our flag.

We often talk about listening to the people in this body. We talk about how important it is to listen to what the citizens of the United States are looking for from us, their elected representatives. Mr. Speaker, I think that in this particular case it is time for us to listen to the will of the people. We cannot deny the will of the people on this particular issue, because it is so overwhelming from every segment of society that this is what we should do, and we cannot forsake the service of our veterans.

This weekend I will observe Flag Day in the small down of Clayton, N.J. As I meet the veterans in that community, I would love to be able to tell them that we in the House of Representatives of this U.S. Congress overwhelmingly passed this resolution that will enable us to protect our flag. I think it is the least we can do for the citizens of the country and for our veterans.

In Clayton we will celebrate the flag as our national monument. No single statue or memorial embodies our national civic pride like the values of our flag. Vandalizing the Washington Monument or the Liberty Bell in Philadelphia would be considered a despicable crime and would be dealt with very severely. The flag should receive nothing less. It should receive the same measure of respect and protection.

I urge my colleagues, think about what is at stake here and please support this bipartisan amendment that would protect our flag.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. GOODLATTE].

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

Mr. GOODLATTE. Mr. Speaker, I am proud to support House Joint Resolution 54, which gives the Congress and the States the power to prohibit the physical desecration of the American flag. This has over 280 cosponsors who share my commitment to giving back to the American people the authority to protect our flag.

Opponents of the flag protection amendment say it threatens free speech. Nothing could be further from the truth. ''Surely one of the high purposes of a democratic society,'' wrote Chief Justice William Rehnquist, ''is to legislate against conduct that is regarded as evil and profoundly offensive to the majority of people whether it be murder, embezzlement, pollution or flag burning.''

Talking about the flag is free speech. Criticizing our Government, for those who care to do so, is free speech. But desecrating the American flag is an offensive physical act, not speech to be protected by the first amendment. We can have open and free debate on issues without resorting to burning our flag in public.

The U.S. flag is more than a piece of cloth. It is the symbol of our freedom. It represents the sacrifice of those who gave their lives to win and preserve our way of life. Too many Americans have carried our flag into battle against tyranny and oppression around the world for us to tolerate the public desecration of the flag.

Those who doubt the need to honor and protect our flag need only visit the Iwo Jima Memorial in Arlington, VA, to be reminded of the heroic sacrifice made by our military veterans who carried our flag into harm's way in faraway battles at Iwo Jima and elsewhere. Justice Rehnquist noted the irony that ''government may conscript men into the Armed Forces where they must fight and perhaps die for the flag, but the government may not prohibit the public burning of the banner under which they fight.'' I am proud to play a part in trying to right that wrong.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut [Mr. SHAYS].

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

Mr. Speaker, I find it abhorrent that someone would desecrate the flag of the United States of America. But I will not support an amendment to the Constitution of the United States of America to prevent it from being desecrated.

When I think of the flag, I think about the men and women who died defending it. What they really were defending was the Constitution and the rights and freedoms it guarantees.

In the 101st Congress, my colleagues and I sought to address this problem when we overwhelmingly passed the Flag Protection Act of 1989. I do not feel anyone should be allowed to desecrate the flag. I wish the Supreme Court had decided in favor of the law, but regrettably, by a 5-to-4 vote, it declared the act unconstitutional.

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Congress' anger and frustration with the decision has led us to consider amending the Constitution. Our Constitution has been amended only 17 times since the Bill of Rights was passed in 1791. This is the same Constitution that guarantees freedom of speech and of religion, and eventually outlawed slavery and gave blacks and women the right to vote.

Republicans have proposed amendments to the Constitution to balance the budget, mandate school prayer, impose term limits on Members of Congress, institute a line-item veto, change U.S. citizenship requirements, and many other issues. Too many. Amending the Constitution is an extraordinarily serious matter. I do not think we should allow a few obnoxious attention seekers who choose to desecrate the flag to push us into a corner. They have become more important than anyone else and we should not allow them to do this, especially since no one is burning the flag and there is now no constitutional amendment to prevent it from being desecrated.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama [Mr. RILEY].

Mr. RILEY. Mr. Speaker, the American flag is a symbol of freedom, equal opportunity, religious tolerance and good will to other people of the world who share those values. An attack against it is much more than a burning of a piece of cloth or a matter of free speech. Simply put, it is an attack against the ideals that made our Nation great and the men and women who fought and died for those principles.

Mr. Speaker, those who stand before us today and argue that the constitutional amendment to protect the flag is, in effect, a repeal of the first amendment's right to free speech vastly miss the mark. This amendment is not an attempt to limit speech. Our flag is the property of a free people, a symbol of a free society and a national treasure bought and paid for with the blood of countless brave Americans.

I believe we have a clear and moral obligation to protect the American flag from physical desecration. That is why, Mr. Speaker, I believe we must vote today in favor of the flag protection amendment.

Mr. CANADY of Florida. Mr. Speaker, I yield 2½ minutes to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Speaker, I thank my colleague for yielding me this time, and I say to the gentleman from Michigan [Mr. CONYERS] that when I was on the floor earlier this morning he asked me several questions and suggested I bring back some Supreme Court cases talking about my speech, and I went back and skipped lunch to get all this information for him, so I am here to present it to him.

The gentleman questioned the distinction I made between pure speech and expressive conduct. Indeed, I have been challenged; I think a couple of people asked me this question: Is there legal authority that supports such a distinction? And as I mentioned, I am pleased now this afternoon to provide the gentleman with that information.

The leading Supreme Court case in this area was decided in 1968 in United States versus O'Brien. The Court upheld against a first amendment challenge the conviction of someone who burned his draft card. The Court sustained his conviction on the basis that there was indeed a constitutional difference between expressive conduct, such as burning one's draft card, maybe someone burning the flag, and pure speech in that it would be easier to uphold a statute that would regulate the former; that is, expressive conduct.

In O'Brien, the Supreme Court held:

> We cannot accept the view that an apparently limitless variety of conduct can be labeled speech whenever the person engaging in the conduct intends thereby to express an idea.

And I have cited the case number and the page and everything.

The Court concluded that prohibiting the burning of a draft card was constitutional because it was ''an appropriately narrow means of protecting the government's substantial interests * * * and condemns only the independent, noncommunicative impact of conduct.''

So we cannot burn a draft card. We cannot burn a draft card. And we are just saying we cannot burn a flag.

Let me finish.

Mr. Speaker, this distinction has been accepted by a long line of Supreme Court cases, so this distinction has been accepted—now, the gentleman asked for additional Supreme Court cases, here we go—has been accepted by a long line of Supreme Court cases decided since O'Brien. Indeed, Texas versus Johnson; United States versus Eichmann.

The Court applied the same test in those cases as they did in the O'Brien case. While the result they reach by a narrow margin was different than I myself would have reached, they did not question O'Brien's distinction between pure speech and expressive conduct.

So I am glad that I could answer the question for the gentleman.

Mr. CONYERS. Mr. Speaker, I yield myself 1 minute.

I ask my studious lunch-giving colleague to stay on the floor.

It is wonderful they have courses on constitutional law. It helps us all. Because they take the cases and then they go back and review them and they distinguish between the cases.

In the Johnson case that the gentleman cites from 1989, 491 U.S. 397, guess what? They accepted the O'Brien conclusion from the finding in the Johnson case. That is to say, sir, we cannot argue O'Brien about flag burning. We can argue it about something else, like draft cards, but we cannot argue it about flags. And guess what we are dealing with today? Flag burning.

So I give the gentleman a passing grade only for his effort.

Mr. STEARNS. Mr. Speaker, will the gentleman yield me more time, in addition to a passing grade?

Mr. CONYERS. Absolutely not.

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume. It is unfortunate that in the pursuit of a free and open debate, the gentleman from Michigan has been unwilling to yield additional time.

I am still trying to understand the gentleman's point. We all know that there is a disagreement with the Supreme Court decision or a couple of Supreme Court decisions. That is no revelation. That is why we are here today.

For anyone who has not figured that out, we are here because we believe the Supreme Court wrongly applied the test that the gentleman from Florida is talking about, and other doctrines that have been developed over the years, to the case of flag burning. That is why we are here.

We are driven to this because, as a last resort, we are going to amend the Constitution to correct the mistake that they made.

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

Mr. CONYERS. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I thank the distinguished chair of the Subcommittee on the Constitution of the Committee on the Judiciary. That is why we are here, and it is because the cases favor our side that the gentleman brought this proposed constitutional amendment.

I am glad the gentleman did. It does not prove that we are wrong, it proves that the Supreme Court agrees with our position and the gentleman is attempting to change it.

My dear friend in the well, one of the most considered constitutional scholars we have, is wrong in trying to argue O'Brien for his side. It does not apply.

Mr. Speaker, I yield 3 minutes to the gentleman from Illinois, Mr. JOHN PORTER, the distinguished chairman of the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations.

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

Mr. Speaker, the first amendment to the Constitution, the supreme law of our land, proclaims that Congress shall make no law abridging the freedom of speech or of the press. The principle of free speech in our Constitution is an absolute, without proviso or exception.

The citizens of the newly freed Colonies had lived through the tyranny of a

repressive government that censored the press and silenced those who would speak out to criticize it. They wanted to make certain no such government would arise in their new land of freedom. The first amendment, as with all ten amendments, was a specific limitation on the power of government.

Throughout the 210-year history of the Constitution, not one word of the Bill of Rights has ever been altered. But the sponsors of this amendment today, for the first time in our Nation's history, would cut back on the first amendment's guarantee of freedom of expression. I submit that only the most dangerous of acts to the existence of our Nation could possibly be of sufficient importance to require us to qualify the principle of free speech which lies at the bedrock of our free society.

The dangerous act that threatens America, they claim, is the desecration of the flag in protest or criticism of our Government. Now, Mr. Speaker, desecration of the flag is abhorrent to me, as to anyone else. It is offensive in the extreme to all Americans. But it is hardly an act that threatens our existence as a nation.

Such an act, Mr. Speaker, is in fact exactly the kind of expression our Founders intended to protect. They themselves had torn down the British flag in protest. Our founders' greatest fear was of a central government so powerful that such individual protests and criticisms could be silenced.

No, Mr. Speaker, we are not threatened as a nation by the desecration of our flag; rather, our tolerance of this act reaffirms our commitment to free speech and to the supremacy of individual expression over governmental power, which is the essence of our history and the very essence of this country.

Mr. CANADY of Florida. Mr. Speaker, I yield 1½ minutes to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Speaker I thank the gentleman for yielding me this time, and I just wish to acknowledge the ongoing debate here between myself and the gentleman from Michigan.

I would say to the gentleman that I think he is correct in the sense that the Supreme Court did not agree with the O'Brien case. They did not agree in this case, but we in Congress are now saying they should have agreed.

The O'Brien case, United States versus O'Brien, was in 1968. Obviously, the gentleman and I both realize that men and women who are on the Supreme Court make different decisions in different periods of the American history; because we can go back and look at some of the decisions they made at the turn of the century, back in the 19th century, and today the gentleman and I would not agree. We would have unanimous opinion that we do not agree with those Supreme Court decisions.

Likewise, I am sure, another 100 years from now, God bless this wonderful country still remains intact and we are all working for democracy, we will not agree. But in this case Congress has the final say-so. So all we are saying in this legislative debate today is what they said in 1968 was relevant and we think they should abide by it.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. PAUL].

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

I want to point out that the word ''desecrate'' is a very important word. We have talked about it all day but have not yet defined it. It means to deconsecrate. What I want to know is when we have consecrated the flag.

We are holding the flag in the highest of esteem, and yet liberty is really what should be on the pinnacle. Liberty and the Constitution. When we undermine the Constitution and the Bill of Rights, we undermine liberty and then we diminish the value of the flag.

But to deconsecrate something means that the flag was consecrated. I want to read what that means. It means ''To make, declare or set apart as sacred,'' or, such as a church, ''To set apart for the worship of a deity. To change the elements of bread and wine into the body and blood of Christ.'' Who and when did we raise this flag to this level? Have we deified the state to this extent?

We very often complain about the state taking over parental rights, and here we are now saying that to do anything to the flag is a desecration, which means that we have consecrated the flag. To desecrate means to abuse the sacredness of the subject of sacrilege; that we cannot commit blasphemy.

□ 1330

Mr. LIPINSKI. Mr. Speaker, I yield myself my two remaining minutes.

Mr. Speaker, I would like to make some observations here. No. 1, House Joint Resolution 54 is the following: ''The Congress shall have the power to prohibit the physical desecration of the flag of the United States.'' That means that when we pass this and the Senate passes it, we will have the ability to make a law to prohibit the physical desecration of the flag.

I have heard a considerable amount of tyranny of the majority on this floor today. Yet in order to have this pass, we here in the House of Representatives, one of the two most democratic bodies in the entire world, have to produce 290 votes. The U.S. Senate has to produce 67 out of 100 votes. Then three-fourths of the States of the United States of America have to approve this.

After all that is done, then we have the ability to write a law to protect the physical desecration of the flag. That seems to me to be the most democratic way we could possibly go about this. It cannot be tyranny of the majority when we have that many concerned, democratic individuals involved.

On top of that, it seems to me that most of the arguments that we have heard today against this resolution have really been arguments against a law that would prohibit the physical desecration of the flag. That law has not been written. It will only be written after a long, concerted effort to pass this resolution.

Once again, I say to my colleagues, support the flag, pass House Joint Resolution 54.

Mr. CANADY of Florida. Mr. Speaker, I yield 1 minute to the gentlewoman from Missouri [Mrs. EMERSON].

Mrs. EMERSON. Mr. Speaker, I rise in strong support of House Joint Resolution 54, the Flag Protection Constitutional Amendment. I am proud to be an original cosponsor of this amendment to provide Old Glory with the complete and unqualified protection of the law.

Our flag is an enduring symbol of America's great tradition of liberty and democratic government. Missouri's own Harry Truman hailed the special importance of Old Glory when he signed the Act of Congress which established June 14 of each year as National Flag Day.

With Flag Day just 2 days from now, it is altogether fitting and appropriate for the House to pass the constitutional amendment to outlaw its desecration. Countless brave Americans have followed our flag into battle. More than 1 million have died in its defense. These men and women, our soldiers and veterans, stood in harm's way to defend the flag and the principles which it represents. Please let us not diminish their sacrifices and their courage by looking the other way at the desecration of America's proudest symbol.

Mr. Speaker, I urge a strong ''yes'' vote on the flag protection amendment.

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

Mr. Speaker, and Members of the House, there are two clear schools of thought that have emerged in the annual debate over flag burning. The first school of thought is that we can compel patriotism. The second school of thought is that we cannot compel patriotism. And so, we have heard, I think, a better debate than I participated in in earlier years; and I commend the Members of the Congress on all sides for a debate that I think will be studied and examined by those who will come after us and the American people as well.

Because at the same time that we are reminding the Chinese Government of their need to safeguard the civil liberties in emerging Hong Kong, we find ourselves on the verge of modifying our own Bill of Rights to limit freedom of expression in these United States, to limit freedom of expression. By adopting a constitutional amendment that would then allow Congress to prohibit flag desecration, we would be joining the ranks with countries like China,

like Iran, like the regimes of the former Soviet Union and the former South Africa.

So I believe if we are to continue to maintain the moral stature in matters of human rights, it is essential that we remain fully open to even unpopular dissent that may take the obnoxious form of flag burning.

Indeed, the Committee on the Judiciary has been authorized by its distinguished chairman, the gentleman from Illinois, Mr. HENRY HYDE, to take a CODEL to Haiti at the end of this month. I am grateful to him for that because I will be leading that trip. The law of Haiti on this subject provides that burning, mutilating, or degrading or otherwise profaning their national flag is punishable with forced labor up to life. That is Haiti now.

So it is the judgment of many of us that the true test of a nation's commitment to freedom of expression lies in its ability to protect the unpopular forms of expression. It is the most imperative principle of our Constitution that protects not just freedom for the thought and expression we agree with, but for the freedom for the thought we despise. And here we are again. There is no doubt that symbolic speech relating to the flag falls squarely within the ambit of traditionally respected speech. We have talked about that all morning and afternoon.

Seven Supreme Court cases, seven, count them. Our Nation was born in the dramatic, symbolic speech of the Boston Tea Party, and our courts have long recognized that expressive speech associated with the flag is totally protected speech under the first amendment.

Now most Americans deplore burning of an American flag, as we do. It is our allowance of this conduct that reinforces the strength of our constitutional liberty. In one case, a Federal judge back in 1974 wrote that the flag and that which it symbolizes is dear to us, but not so cherished as those high moral, legal, and ethical precepts which our Constitution teaches.

The genius of the Constitution lies in its indifference to a particular individual's cause. The fact that flag burners are able to take refuge in the first amendment means that every citizen can be assured that the Bill of Rights will be available to protect his or her rights and liberties should the need arise.

The adoption of the flag desecration amendment would diminish and trivialize our Constitution. If Congress begins to second guess the court's authority concerning matters of free speech, we will not only be carving out an awkward exception into a document designed to last for the ages, but we will be undermining the very structure created under the Constitution to protect our rights.

Madison, he warned against using the amendment process to correct every perceived constitutional defect that is the style in this Congress. Dozens and dozens of amendments. Do not like it? Change the Constitution. You do not like it? Well, you could write a statute, but let us put it in the Constitution so they will not be able to take it out.

So as a practical matter, this proposed constitutional amendment is not drafted very well, it is poorly drafted, and it will open up a Pandora's box of litigation. The Congress will come back and now make it enforceable. Not only are its terms open-ended and vague, but the resolution gives us no guidance, none, as to its intended constitutional scope or parameter.

So while those who supported claims that we are merely drawing a line between legal and illegal behavior, in actuality, we are drawing no line at all, merely granting the Government open-ended authority to prosecute those dissenters, go get them, that use the flag in a manner that we in Congress deem inappropriate.

But unlike other open-ended provisions of the Bill of Rights which constrain the power of the state against the individual, the flag desecration amendment represents an unchartered invasion of our liberties rather than a backup mechanism to prevent the Government from usurping our individual rights.

So please, there are a few Members in the Congress that have not made up their mind, please, to those few Members, let us show where America's strength really lies. Join us in rejecting this unsound, inappropriate, intemperate, and unreasonable invasion into the Bill of Rights. I urge a ''no'' vote on the matter pending in the House.

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

Mr. CANADY of Florida. Mr. Speaker, I yield the balance of my time to the distinguished gentleman from Illinois [Mr. HYDE], the chairman of the Committee on the Judiciary.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. HYDE] is recognized for 15 minutes.

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

Mr. HYDE. Mr. Speaker, I would appreciate it if my colleagues would not interrupt me until I am through because I would like to complete my argument.

I want to preface my remarks by saying there are good people on both sides of this argument. There are no good guys or bad guys here. A very respectable case can be made against the amendment, and it has been made by the gentleman from Michigan [Mr. CONYERS], the gentleman from Colorado [Mr. SKAGGS], and others, without question.

But a very good case and, in my judgment, a better case can be made in support of the amendment; and we hope to do that. We hope we have done that today. I would like to introduce the gentleman from Illinois, [Mr. JOHN PORTER] my constituent, my friend, my neighbor, standing there clutching the flag to his bosom because next to him is the coffin of his 21-year-old son, Lance Cpl. Christian Porter, who died in Operation Desert Storm.

This picture speaks more eloquently than anything I could say; and I hope my colleagues will take a look at it and, if they get a chance, look at the eyes of the gentleman from Illinois [Mr. PORTER] and the gentleman standing by the casket.

□ 1345

Mr. Speaker, we are not alone in thinking as we think. We are not a bunch of yahoos, unlettered, unwashed jingoists. We have some pretty distinguished people who agree with us: Chief Justice Earl Warren, Justice Hugo Black, Justice Abe Fortas, Chief Justice Rehnquist, Justice John Paul Stevens, Justice Sandra Day O'Connor, Justice Byron White. These people knew a little something about the Constitution.

And so this is not a one-sided debate at all. There is authority, there is scholarship on both sides of this issue.

Now there are two important questions in this dispute. First, is flag burning conduct imbued with speech and hence protected by the first amendment? Those of us supporting this amendment shout no to that question despite a 5 to 4 Supreme Court decision in Texas versus Johnson in 1989.

I think the average person knows the difference between freedom of speech and vandalism. Almost any act can be called expressive speech. Blowing up a building can be expressive speech, urinating in public can be a political statement. Why, the courts have declared nude dancing and dial-a-porn services as free speech. To burn an object is to demonstrate one's contempt for it, not speech. It is the antithesis of speech. It is not a form of argument. It is an act of contempt for the very idea of reasoned argument. Flag burning is no more speech than a child's temper tantrum.

And to suggest that the Founders and Framers intended to protect such public displays of childish pique, to suggest that this is what the first amendment free speech clause protects is demeaning and it is degrading.

Free speech has never been absolute as our laws against libel, slander, copyright infringement, and so many more prove. By freedom of speech the Founders meant the freedom to make reasoned arguments about matters touching the common good. They did not mean a freestanding right to say anything one wants, any time and any place.

Freedom of speech is a freedom inherent in the dignity of the people, and the Government should honor it and protect it so that democracy might flourish. But democracy is possible only where a civil society can deliberate the common good freely, openly and publicly.

The notion that our highest value is self-expression has confused some of

our leaders. What the highest court has done, by a margin of one vote, no less, is draw the line between speech and conduct at a point that maximizes expression, lest anyone's personal fulfillment be stifled. But America cannot long survive the selfishness of autonomous individuals as its highest value.

There is another value; that with our rights come responsibilities, a value well expressed and embodied in our national symbol, the flag. By reducing freedom of speech to yet another free-standing personal autonomy right, the Supreme Court has once again weakened the once strong fabric of our constitutional democracy and has once again struck a blow against the idea that it is a civil society, not merely autonomous individuals, that makes democracy possible.

As for the substance of the issue, to think seriously about flag protection and flag burning means thinking seriously about the nature of American democracy. The Founders and the Framers pledged their lives, their fortunes and their sacred honor to a democratic experiment of self-governance that engaged the moral energies and the imagination of the people. Democracy for that generation of Americans was not simply a matter of procedures. Democracy was an ongoing test of a people's capacity to be self-governing. Democracy was not a matter simply of rights. It was a matter of duties with rights understood as the freedom to do what we ought, not simply what we like.

Procedural democracy, democracy reduced to an array of legal and political procedures, would have made no sense to Jefferson and Madison and all the rest. They were interested in the substance of democracy. They were interested in the Republican virtue that would make democracy possible.

As my colleagues know, to have a successful monarchy, all that is needed is a virtuous king. But to have a successful democracy, what is needed is a virtuous people. We look around this Chamber, we see the splendid diversity of America, we see men and women whose great grandparents came from virtually every corner of the globe. What holds this democratic community together? A common commitment to certain moral norms is the foundation of the democratic experiment, and just as man does not live by bread alone, human beings do not live by abstract ideas alone. Those ideas and ideals have to be embodied in symbols.

And what is a symbol? A symbol is more than a sign. A sign simply conveys information; a symbol is much more richly textured. A symbol is material reality that makes a spiritual reality present among us. An octagonal piece of red metal on a street corner is a sign. The flag is a symbol. Vandalizing a no parking sign is a misdemeanor. But burning the flag is a hate crime because burning the flag is an expression of contempt for the moral unity of the American people that the flag makes present to us every day.

I said there were two questions. The second question is why do we need this amendment now? Is there a rash of flag burning going on? Happily there is not. But I believe in my heart we live in a time of serious disunity. Our society is pulled apart by the powerful centrifugal force of racism, ethnicity, language, culture, gender and religion. Diversity can be a source of strength, but disunity is a source of peril. We Americans share a moral unity expressed so profoundly in our country's birth certificate, the Declaration of Independence. We hold these truths to be self-evident, Jefferson wrote, the truth that all are equal before the law, the truth that the right to life and liberty is inalienable and inviolable, the truth that government is intended to facilitate, not impede, the people's pursuit of happiness. Adherence to these truths is the foundation of civil society and of democratic culture in America.

And what is the symbol of our moral unity amidst our racial, ethnic and religious diversity? Old Glory, the Stars and Stripes, the flag. In seeking to provide constitutional protection for the flag we are seeking to protect the moral unity that makes American democracy possible. We have spent the better part of the last 30 years telling each other about the things that divide us. It is time to start talking about the things that unite us, that make us all together Americans. The flag is the symbol, the embodiment of the unity of the American people, a unity built on those self-evident truths on which the American experiment rests, the truths which are our Nation's claim to be a just society.

Let us take a step toward the reconciliation of America and toward constitutional sanity by adopting this amendment. The flag is our connection to the past and proclaims our aspirations for the future. There may be no flags burning right now, but it is worthwhile to elevate our flag in our consciousness, to catch the falling flag and to hold it high as the embodiment of those ideals which we have in common. Too many brave Americans have marched behind it. Too many have come home in a box covered by a flag. Too many parents and widows have clutched that flag to their hearts as the last remembrance of their beloved one. Do not treat that flag with anything less than reverence and respect.

About 183 years ago during the British bombardment of Baltimore, Francis Scott Key looked toward Fort McHenry in the early dawn and asked his famous question. To his joy he saw that our flag was still there. And he might be surprised to learn that our flag is even planted on the Moon. But most especially it is planted in the hearts of every loyal American, and we should clutch it to our bosom, as JOHN PORTER does every day of his life.

Mr. KOLBE. Mr. Speaker, I rise today in opposition to House Joint Resolution 54, a proposed constitutional amendment to ban flag burning.

In both 1990 and 1995, Congress debated and voted down proposed constitutional amendments to ban flag burning; yet once again, with a Federal budget that is far from being balanced, with entitlement programs in desperate need of reform, and with an overwhelming Federal tax burden on American citizens, we are again on the floor debating this issue.

Mr. Speaker, I am a patriotic American. I am a proud American. I am a Navy combat veteran. I know the deep patriotic feeling that the flag elicits, especially when I am in a foreign country, when I stand to say the Pledge of Allegiance at the beginning of our congressional day or at a rally, or when I see a flag neatly folded into a triangle and presented to a grieving family. I also have feelings of disgust and outrage when I see on TV people desecrating the flag. But I still do not support this amendment.

In the past two years, I have supported two constitutional amendments—one to require Congress to balance the budget, the other to limit terms of Members of Congress. These amendments would have fundamentally altered the focus of our national Government and changed the way Congress conducts its business.

This amendment does not do either. In fact, there is not a crisis of disrespect for the American flag, like with the Federal budget. In fact, the Congressional Research Service reports that there were all of 10 incidents of flag burning in 1996. We can count on the fingers of two hands the incidents of flag burning since the Supreme Court ruled that such behavior—despicable though it may be—is constitutionally protected.

Additionally, Mr. Speaker, there are many questions associated with this amendment. Are partial reproductions of flags covered by the intent of the amendment? What about the popular American flag clothing that can be found in department stores in every mall in this country?

We honor our flag with our behavior every day. We show our respect in large ways and in small ways. But this body could do nothing more fundamental to honor our country—and its symbols—than by restoring fiscal responsibility to this Government.

So let us get on with the business we were sent here to do. Let us balance the budget, let us return responsibilities to the States, let us empower the American people. We do not need to pass a constitutional amendment to ban flag desecration to show that we love and respect this great symbol of America.

Mr. Speaker, we can't legislate patriotism and we can't legislate love of the American flag. We can honor our country and our flag by carrying out our responsibilities to our great Nation.

Mr. QUINN. Mr. Speaker, as the only New York State Representative on the House Veterans' Affairs Committee, and as the chairman of the Veterans' Subcommittee on Benefits, I rise today in support of House Joint Resolution 54, the flag desecration amendment.

It is our Nation's flag that serves as constant reminder of those who have bravely fought for the United States of America, so that we may never forget the principles of freedom, independence, and democracy which it so proudly represents.

I am a proud cosponsor of House Joint Resolution 54. I am honored to join with my colleagues in making sure that our most treasured symbol, and the millions of veterans that fought under that symbol, are not forgotten.

The American people have spoken on this issue. A national pole conducted by Wirthlin Worldwide in 1996 reveals that 81 percent of Americans said they would vote for an amendment to protect their flag. In fact, an overwhelming majority of Americans have asked that we pass this amendment and send it back to the States for ratification.

Military personnel will attest that the very sight of Old Glory gives them a renewed sense of purpose and hope. For some, the flag symbolizes comradery, spirit, and the preservation of our Nation's values.

I truly believe that America's values should be reflected in our laws. While teaching our children to pledge allegiance to our flag we must also send the message that it is wrong to allow America's greatest symbol to be desecrated with impunity.

Not only do I urge my fellow colleagues to join me in support of the flag desecration amendment, I encourage them to display the red, white, and blue prominently, let it serve as a proud reminder of the freedom it symbolizes for our country.

Mr. CUNNINGHAM. Mr. Speaker, I rise as a cosponsor of House Joint Resolution 54, in support of protecting the flag of the United States from desecration.

The majority today will find that the physical desecration of the flag of the United States is conduct which is not expressly protected by the freedom of speech clause of the first amendment of the Bill of Rights. It is similar to other types of conduct that carry misguided messages of hate—such as burning a cross in a yard, or painting a swastika on a synagogue, or exploding a Federal building. These are not protected free speech. They are not protected by our Constitution. They are conduct.

And today, 2 days before Flag Day, we address the protection of our flag from desecration.

The flag of the United States represents our country, our ideals, our people, and our history. It represents the motto of our Nation, ''E pluribus unum:'' out of many, one. It is a symbol of the United States of America here and around the world. Under the Stars and Stripes, men and women have fought and given their last full measure of devotion. This idea is very close to me, because like many others I served my country in the military.

I am reminded by a tale of an American soldier who was captured in battle in Vietnam. He was a prisoner of war. He was subjected to the injustices and deprivations of the enemy. What kept him together was a project in which he used scraps of thread and any material he could find to sew, ever so slowly, an American flag on the inside of his garment. Day by day, he worked. On one day, his captors found his flag. They took the flag, and they beat the brave flag maker to within an inch of his life.

He survived. He was returned to his cage. And he began once again to sew his flag in defiance of his captors.

For this man, for every American who has had a flag flown at half staff or half mast in their honor, for every American who gave the last full measure of devotion for this country, for every American who has had a flag enclosed in their casket or passed on to the surviving generation, and for the strength and unity of America, let us pass this amendment.

Mr. YOUNG of Florida. Mr. Speaker, I rise today in support of House Joint Resolution 54, the flag desecration constitutional amendment. As the Nation prepares to celebrate Flag Day, it is most fitting that we pass this measure and pay tribute to our American flag, our sacred red, white, and blue symbol of liberty.

Nearly 200 years ago a tattered and worn American flag flew over Fort McHenry amidst dense smoke and heavy artillery fire. Every American now knows the words of tribute penned by Francis Scott Key, describing how after a night of intense fighting, he looked upon Fort McHenry in the early light of day and saw Old Glory, with its broad stripes and its bright stars, still flying high. Today, above the pristine Capitol of our great Nation, the flag still flies high so that all of the world might look upon our Nation and know that we indeed are the land of the free and the home of the brave.

Our American flag is a symbol of freedom and liberty that every American should look upon with patriotic fervor. It flies gloriously over our national buildings, monuments, and parks, quietly over the graves of the dedicated men and women who have bravely served in our Armed Forces, proudly in all our schools and courthouses, and reverently in our churches and places of worship.

This is our American flag. Regardless of race, creed, or color, the Stars and Stripes symbolizes for every American all that is good and right in our Nation. It honors both the living and the dead who have so honorably served and sacrificed in the U.S. military, and it honors the families who work hard every day serving their communities, helping their neighbors, and pursuing the American dream. It is a symbol of strength and protection to our schoolchildren, a symbol of liberty to those who look upon the United States from distant shores, and a symbol of honor and justice to every freedom-loving American.

Mr. Speaker, this is our American flag. May it always fly high over our great land, our America the beautiful.

Mr. DINGELL. Mr. Speaker, I rise to express my outrage at a deplorable and despicable act which disgraces the honor of our country—the burning of the U.S. flag. Behind the Speaker stands our flag; the most beautiful of all the flags, with colors of red, white, and blue, carrying on its face the great heraldic story of 50 States descended from the original 13 colonies. I love it. I revere it. And I have served it in war and peace.

However, today I rise in opposition to House Joint Resolution 54, the flag amendment, which for the first time in over 200 years would amend our Bill of Rights.

Mr. Speaker, throughout our history millions of Americans have served under this flag during wartime; some have sacrificed their lives for what this flag stands for: Our unity, our freedom, our tradition, and the glory of our country. I have proudly served under our glorious flag in the Army of the United States during wartime, as a private citizen, and as an elected public official. And like many of my colleagues, I treasure this flag and fully understand the deep emotions it invokes.

But while our flag may symbolize all that is great about our country, I swore an oath to uphold the great document which defines our country. The Constitution of the United States is not as visible as is our wonderful flag, and oftentimes we forget the glory and majesty of this magnificent document—our most fundamental law and rule of order; the document which defines our rights, liberties, and the structure of our Government. Written in a few short weeks and months in 1787, it created a more perfect framework for government and unity and defined the rights of the people of this great Republic.

The principles spelled out in this document define how an American is different from a citizen of any other nation of the world. And it is because of my firm belief in these principles—the same principles I swore an oath to uphold—that I must oppose this amendment. Because if this amendment is adopted, it will be the first time in the entire history of the United States that we have cut back on the liberties of Americans as defined in the Bill of Rights.

Prior to the time the Supreme Court spoke on this matter, and defined acts of physical desecration to the flag under certain conditions as acts of free speech protected by the Constitution, I would have happily supported legislation which would protect the flag. While I have reservations about the propriety of these decisions, the Supreme Court is, under our great Constitution, empowered to define constitutional rights and to assure the protection of all the rights of free citizens in the United States.

Today, we are forced to make a difficult decision. There is, regrettably, enormous political pressure for us to constrain rights set forth in the Constitution to protect the symbol of this Nation. This vote is not a litmus test of one's patriotism. What we are choosing today is between the symbol of our country and the soul of our country.

When I vote today, I will vote to support and defend the Constitution in all its majesty and glory, recognizing that to defile or dishonor the flag is a great wrong; but recognizing that the defense of the Constitution, and the rights guaranteed under it, is the ultimate responsibility of every American.

I urge my colleagues to honor our flag by honoring a greater treasure to Americans, our Constitution. Vote down this bill.

Mr. FROST. Mr. Speaker, I rise in support of House Joint Resolution 54, a constitutional amendment to protect the flag from physical desecration. The American flag holds a sacred place in our Nation's identity, representing the millions who have made sacrifices in its defense and for the preservation of freedom. I am proud to be a cosponsor of this important legislation.

Amending the Constitution is done only when absolutely necessary, and when it is clear it is the will of the public, not just a whim. I am confident that this legislation meets that high standard. This amendment has been introduced in several Congresses, and support has grown in every session. In fact, during the last session, this legislation passed the House overwhelmingly with strong bipartisan support, falling short in the Senate by a mere three votes.

A constitutional amendment is the last hope for protecting our flag. In 1989, the Supreme Court narrowly decided to strike down existing flag protection laws as an infringement on the rights of free speech. The action of the Court sent a clear message that stronger actions must be taken.

Most Americans share the important belief that our flag can be protected without infringing on free speech. Throughout our history, punishing flag desecration has been viewed as compatible with the letter and spirit of our first amendment. Some of the strongest supporters of individual rights ever to serve on the Supreme Court—former Chief Justice Earl Warren, and former Justices Hugo Black and Abe Fortas—each have written that the Nation could prosecute for physically desecrating the flag without violating the right to free speech.

The views of these great constitutional scholars reflect the same commonsense belief of millions of hardworking Americans who understand that burning the flag is conduct, not speech. If this amendment is approved, and Congress passes a flag protection statute, people will still have the right to say anything about the flag, or anything else. However, the specific action of physical desecration of the flag would be against the law.

All across racial, socio-economic, and political lines, there is a strong belief that the preservation of our flag is vital. In fact, 49 State legislatures have petitioned this body for strong action. I urge Congress to take this historic step to preserve this paramount symbol of our national heritage.

Mr. POSHARD. Mr. Speaker, today we will be debating and voting on a constitutional amendment to allow the States to prohibit desecration of the American flag. I rise today to address this issue, and I would like to do so, at least in the beginning, from a historical perspective.

Our founders, the people who settled this country, were men and women of great faith. They came to this country and lived here for a long while under the edict of the King of England. They came here to escape the suppression of their freedoms, but found as colonists they were still under the control of the King. They were not free to speak their minds, to criticize the Government. They were not free to assemble, to discuss their problems, because the Government, the King, was afraid it might end up being a grievance against him.

They were not free to choose their own religious beliefs according to the dictates of their conscience. They worshipped in the Church of England, or they did not worship at all. The Church of England has the official blessing of the state. The church and the state had formed an alliance linking themselves together, so the church never had to fear the loss of parishioners to other faiths, and the state could control the people through the church.

Newspapers were not free to criticize the Government, or they would be shut down. The Government, if they even suspected a citizen of criticizing them, even in private, could take a citizen from this home in the middle of the night, charge him with sedition against the Government, and that citizen could be jailed or punished without ever having been allowed a trial. Time and again, they tried to confiscate the firearms of the citizens because they feared an armed protest against the Government.

In short, the people were not free. Government controlled their lives in attempts to force its will upon the people.

As it is always true whenever a government attempts to force its will on the people, the people rebelled. They sent away their representatives to Philadelphia to form the First Continental Congress, and that Congress decided to throw off the bonds of slavery that bound them to England. They declared their independence, raised an army, made George Washington its commander, and, in their own resolution, won their freedom from the oppressive Government of England.

After the Revolutionary War they went back to their individual States and a great debate arose as to whether or not they should even form a national government. They so distrusted a central government and its potential for ruling their lives that when they thought of a national government, all they could remember was oppression.

But there were certain national issues that had to be dealt with. Foreign trade had to be considered, paying off war debts, and so on, and so they sent their representatives back to Philadelphia to form a Second Continental Congress, and it was this Congress that had the task of putting together a new government. They wrote a Constitution of the United States of America.

Notice how they said the ''United'' States of America. Before, they were not so united. They had operated under the Articles of Confederation, which gave great powers to the individual colonies. They has vast disagreements between themselves, and this new government was their attempt at becoming united.

The Constitution they had written said their new government would consist of three branches. No. 1, the legislative, would be elected from among the people to make the laws; No. 2, the executive, would be elected by the people to execute the laws; and No. 3, the judicial, would be appointed by the executive and approved by the legislative, and they would judge and interpret the laws.

The judicial, the Supreme Court, was appointed for life, because the Founding Fathers knew that if the Supreme Court has to be subjected to the popular opinion of the people every so many years just to keep their jobs, they may do as members of the legislative branch do and vote the popular thing, rather than the thing they believe to be right. So they said this sacred trust of judging the law is so important, that we will remove this branch from political pressure.

They took this Constitution that they were so proud of back to the people of the 13 colonies to be ratified, to be approved. They said to themselves, ''Boy, this will be a snap. The people don't have to worry about a king. They get to elect two of the tree branches of government. Many rights are reserved for the States. This is the perfect government.'' And they must have sighed a sigh of relief. It had been a long struggle, fighting the war, putting this new government together. Now all it needed was the people's stamp of approval, and that would be easy.

But the people said, ''No, no, not so fast. Sure, this is a form of government with which we agree. It allows us to participate. But we just got rid of oppression, and this Constitution doesn't say anything about our freedom.'' And the people said, ''Wait just a minute. We want our basic freedoms guaranteed in writing, or we don't approve this government at all.'' The Founding Fathers, being men of great faith, some of them ministers, sat down to amend this Constitution, to guarantee the people these rights, their freedoms. They wrote 10 amendments to the Constitution, which have become known as the Bill of Rights, and for over 200 years of America's existence, the Bill of Rights has remained unchanged, unamended, unaltered.

I will not mention all of the freedoms articulated in the Bill of Rights, but here are just a few: freedom of speech, assembly, religion, press, a fair and speedy trial before our peers, the right to bear arms, not having to testify against one's self, protection against unreasonable search and seizure.

But we must speak not only of freedom, but of faith, for the two are inextricably bound together. Nothing will bolster your faith more than to read the personal accounts of these great men of faith in their struggle with the concept of freedom.

My understanding over the years of my own faith has been bolstered by my understanding of their concept of faith and freedom. In 1990, when this issue was before the Congress, I was struggling to try to make some sense out of it, and I took my family up to Gettysburg for the weekend. Being from Illinois and representing a couple of the same counties Mr. Lincoln represented when he was in the Congress, I have been a Lincoln scholar my entire life.

As I walked over that great battlefield, I was reminded of his words on the day he dedicated that field. He started his address with these words: ''Four score and seven years ago, our forefathers brought forth on this continent a new nation.''

Now, the importance of that opening is this: four score and seven years ago did not take them back to the Constitution and the Bill of Rights drafted in 1787. Four score and seven years took them back to 1774 and the Declaration of Independence. Mr. Lincoln considered the Declaration of Independence to be the founding document of this Nation, the document that bound us together as one Nation.

And what was the premise of the Declaration of Independence? Let me state it for you again in Mr. Jefferson's words, ''We hold these truths to be self-evident, that all men are created equal, and are endowed by their creator with certain unalienable rights, and that among these are life, liberty and the pursuit of happiness.''

Listen to that again. ''We hold these truths,'' not falsehoods, but universal principles, givens, ''* * * to be self-evident.'' They do not need to be pointed out or proven or justified. Some things are so true that any reasonable examination of the conscience would reveal the evidence of their truthfulness. And what is this truth that should be self-evident? That all men are created equal and endowed with certain unalienable rights.

Created equal? Well, certainly not by position, or power, or influence, or even physical or emotional or mental capacity, but equal in the eyes of the Creator with regard to love and respect for their being, and equal in the eyes of the law.

And what are these unalienable rights, these rights that cannot be taken away? Life, not death; liberty, our freedoms; and the pursuit, not the guarantee, the pursuit of happiness.

And who endows us with these rights? Does man? Does the State? No. The founding document of our country says we are endowed those rights by our Creator. Government cannot endow us with these rights. Government can only affirm or deny what is already given to us just by virtue of having been created by God.

President Kennedy spoke of this in his inaugural address, when he said, ''These same revolutionary beliefs for which our forefathers fought are still at issue around the globe today. The belief that the rights of man come not from the generosity of the State, but from the hand of God.'' He went on to say that we dare not forget today that we are the heirs of that first revolution.

President Lincoln, in the Gettysburg Address, sought to affirm by the Government what the Creator had endowed all of our people, equality before the law. The Bill of Rights, which our Founding Fathers penned some 13 years after the Declaration of Independence, sought to articulate some of those God-given rights of life, liberty and the pursuit of happiness in a more concrete fashion, and so they guaranteed with some specificity what God had already granted, given by virtue of creation.

Now, why do I speak of our country's historical beginning, and especially those beginnings with respect to our rights given to us by the Creator and acknowledged so by both the Declaration and the Constitution? Because of this reason: today we will be debating and voting upon a constitutional amendment to make it a criminal offense for anyone to desecrate the American flag.

Some will argue that we should not pass this amendment for various reasons. One, how do you define desecration? Some believe wearing clothing, ties, shirts, and so on that resemble the flag is a form of disrespect and constitutes desecration. Others believe lack of respect by not standing or sitting when appropriate desecrates the flag. Still others believe that burning or walking on the flag is desecration.

Many argue the mere act of defining desecration creates a legal nightmare for enforcement of such a law. Others point out that millions of dollars spent trying to pass and ratify this amendment by three-fourths of the States could better be spent on veterans' health care and other necessities of our people.

Most agree that the flag is held in higher respect today than at almost any other time in our history, as witnessed by only a scattered number of flag desecrations in our Nation among 260 million people, as well as the tremendous outpouring of flag displays in our country at this time. And many wonder aloud why this is even an issue, with all the seemingly complex, almost unsolvable problems facing America today.

Others will say, ''This flag is mine. I earned my money. I went down to the corner hardware store. I purchased this flag with my money. It is my private property, and Government won't tell me what to do with it.''

But I want us to consider this issue in the light of our beliefs that our rights are God-given, what that means to us as a people and a nation, and whether we actually believe that as a principle anymore. Let me say again that we must speak here not only of freedom, but of faith, for the two are inextricably bound together.

This is what I believe, and I believe it is entirely consistent with the beliefs of our forefathers who penned the precious Bill of Rights, and I believe it is consistent with the words of my own Bible. If we are to examine the nature of the freedom or rights which God has given us, then we must examine the nature of God Himself.

This is what I believe. God is love, unconditional love. He created us as an object of His love because love needs an object on which to lavish itself. God needed us, so He could love us, so He crated us in His image so that He might love us and create fellowship with us so that we might love Him in return.

The Bible says we love because He first loved us. Our response to Him, our purpose for being, is to learn to love in the way that He loves us, unconditionally, to love others, but especially to love Him.

God wants our love. But the great loving merciful heart of God knew something from the beginning. He knew even before He created us that if we were going to learn to love as He does, He had to give us the freedom not to love.

God is God. He is sovereign. He could have created us with no choice, no freedom to choose to love or not to love. He could have demanded our love, our respect. He is God. But He knew that love that is not freely given cannot be real, if we have no choice. He knew that we could learn to love only if we are free. Even our love for God must be freely given. He will never force you to love Him. So God, creating us as the object of His love, gave us a free will to love or not to love, to respect or not to respect. He even gave us the freedom not to love Him.

I am confident our Founding Fathers understood their faith in these very terms. They understood that the great loving heart of God was grieved when His children chose in the free will that He Himself had given them, to hate Him, to despise Him, to sin against love. But they also understood that God continued to love, that He continued to be patient with His rebellious children, that He had faith that eventually love would win them over. And our forefathers said, to the extent possible, we will model this Government upon the principles of our faith, the principle that we will allow our people the free will to choose, to choose to love or not to love, to care or not to care, to respect or not to respect, and we will have the faith to believe that in their freedom they will choose to love. But, in any case, we will not demand it, we will not command it; we will have faith in love winning the hearts of our people.

The issue before us today goes to the heart of that fundamental belief of allowing free will with regard to the issue of respect and love.

Of course there are limitations upon the individual citizens' free will with respect to the endangerment of the safety, health, or welfare of our fellow citizens, but these issues do not touch upon the heart of this matter which is criminalizing the manner in which an individual chooses to differ with his or her government.

Do we want to criminalize an act of free will when it comes to dissent against the Government? Do we really believe that government can legislate love and respect? Remember that the most precious right of any American has is the right to speak out against the Government when they feel in their hearts that government is no longer responsive to their needs.

It is only the right to dissent which keeps the Government in line, and when that right of the citizen is diminished, then the power of the Government to control grows proportionately.

However, those who propose this amendment will say, there are a hundred ways to show your dissatisfaction with the Government. You can march, you can show up at a town meeting and blast your Congressperson, you can organize rallies, you can write letters, you can vote. You do not have to desecrate the flag to show your disagreement, and if you do, we are going to punish you.

But what if a citizen is so in disagreement with this Government over an action it has taken which he feels is morally and ethically wrong and he chooses to emphasize this disagreement in the most emphatic way he knows how, not by the sacrifice of a few hours' time marching or writing a letter or going to a town meeting, but by taking the most precious possession he owns, the American flag, and sacrificing it at the feet of his Congress in protest of his Government?

The question is, Shall we limit dissent against an overbearing government to just those ways that do not matter much, to just those ways of which the Government approves?

Justice Jackson wrote words especially relevant here in Board of Education versus Barnett in 1943. He said, and I quote:

> The case is made difficult not because the principles of its decision are obscure but because the flag involved is our own. Nevertheless, we apply the limitations of the Constitution with no fear that freedom to be intellectually and spiritually diverse or even contrary will disintegrate the social organization. Freedom to differ is not limited to things that do not matter much. That would be a mere shadow of freedom. The test of its substance is the right to differ as to things that touch the heart of the existing order. If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or any other matters of opinion or force citizens to confess by word or act their faith therein. If there are any circumstances which permit an exception, they do not occur to us.

This principle of sacrificing that which is most precious occurred to me for the first time as a young man when I was growing up. I asked the pastor in my church, ''Why did God have to sacrifice the most precious thing He owned, His son, as a protest against sin, so we may be forgiven? Why could He not have sent something that was not so precious, a cow, a goat, a bull, something else? Why was it necessary to sacrifice his most precious possession?'' The pastor said to me, ''Because sacrificing something less precious would not have gotten the job done.''

I believe it should be the purpose of the flag, as it is the Constitution, to invite respect and love, but not to command it, because that violates the free will of the individual and love and respect not freely given cannot be real.

It is only the insecure that demands and commands love. That is why dictators all over the world must have armies to keep them in power. But do their people really love a government which demands their respect at the point of a gun? Have the events in Eastern Europe the last few years taught us nothing?

America is secure, not because we have an army to defend the Government, but because we have a Constitution, a Bill of Rights, to defend the people against the Government. We will remain secure not by suppressing the free will of the people, regardless of what national or political purpose we believe that serves, but by allowing the free will of every single citizen to love or not to love.

If a country is big enough to say to its people, ''I love you and I want you to love me but

I give you the right not to love if that's what you choose. I'm never going to stand over you with a machine-gun in my hand and force you to care for me, even though it is your care that I need. You are free to love or not to love, to care or not to care, to respect or not to respect.'' If a country is that big in its heart that secure in its being that loving in its respect for its own people, what choice do you think the people are going to make, to love or not to love?

We have nothing to fear. Neither America nor the flag is in any danger, as long as the precious Bill of Rights, which gives both their meaning and their purpose, stays as it has for the past 200 years, unamended. Listen to the words included in the First Amendment one more time: ''Congress shall make no law abridging the freedom of speech.''

In 1990, when I was struggling with a previous flag amendment vote, I wrote this piece of prose which I called ''Family Matters:''

Glenn?

Yes?

It's God.

Yes?

Still Struggling?

Yes.

What's the problem?

The problem is I'm nearly 45 years old, and I'm still filled with questions about purpose and meaning and who you are. Who are you anyway?

I'm love. Unconditional love.

Who am I?

You're the object of my love. I created you because I needed you. Love must have others upon which to lavish itself. It creates only that it may love more, and I love all of my creation.

What's my purpose for being then?

To learn to love unconditionally. To learn to love me and others in the same way I love you.

Why should I have to learn that? You're God. Why didn't you just create me in such a way that I loved you automatically?

Because love cannot be commanded. How can I be sure you really love me, or your neighbor, if you have no choice? I created you to be free, free to choose, because it is only in your freedom that you can truly learn to love.

But what if I choose not to love you?

That is the risk love takes. It is always the hope of love that the one upon whom love spends itself will freely choose to return that love. But in any case, it can never demand love be returned.

What will you do then if I choose not to love you?

I will continue to love you. I will wait. I will trust. Love never fails.

Glenn?

Yes?

It's Thomas.

Yes?

You walked over to my memorial last night.

Yes.

Why?

Because I'm struggling with a decision on a constitutional amendment to alter the Bill of Rights, and I need some help.

What's the problem?

Some people burned our flag and the country's upset. The President and several Members of Congress want to forbid the practice.

What do you want to do?

I don't know. I'm torn. I'm a history teacher. I've taught the Bill of Rights and the Constitution to hundreds of young people. I've emphasized the importance of those freedoms that you and others penned in that precious document. I've told those children that these freedoms cannot be compromised. But now we have this issue with the flag. I love the flag. It symbolizes all those freedoms the Bill of Rights guarantees. Couldn't we pass just this one amendment?

Would you be willing to pass a second constitutional amendment forbidding the burning of the Bill of Rights?

No, that's not an issue. Nobody thinks about the Bill of Rights. We see the flag a hundred times a day. It's so visible.

You mean the symbol has become greater in the mind of the people than the substance behind the symbol? How did that happen? You were a teacher, not to mention a State Senator and now a Congressman.

Well, what do I do now?

Maybe you start teaching again, as a Congressman. And trust the people to understand. It's the only way to insure that you leave your children no less freedom than we left you.

Dad.

Yes.

I hate this place.

Why?

For lots of reasons. Your stupid rules that say I have to be in by midnight. You won't buy me a car. I'm sick of church every week and it's silly activities. There's a lot more. I * * *

But we fell those things are best for you. It's only because we love you that * * *

Well, I don't love you. Right now I don't love you at all. As soon as I'm eighteen I'm out of here.

Glenn?

Yes.

What do we do?

We remember the proverb, ''Bring up a child in the way he should go and when he is old he will not depart from it.''

Yes.

We love. We wait. We trust.

Are you sure?

Well, I have decided—I am sure the American people love this country enough to be able to look past the surface nature of this debate and examine its real meaning. The American people, given the chance, will show they love this country, and there is no need to force them to do it by changing the very document that insures our freedom and invites that love.

And this is the truth. For over 200 years now the faith of our Founding Fathers has been justified because we are still the freest Bastion on the face of the Earth and every country in the world yearns for the freedoms in the Bill of Rights.

Every nation has a flag, but only America has a Bill of Rights. For over 200 years now neither the Supreme Court nor the Congress of this Nation has seen fit to change even one small letter in this precious Bill of Rights.

Yes, it is true we have gone through periods of time when rebellious children in disrespect for the great goodness of this country have shown their contempt. They march, they cry injustice, some burn the flag, some join the Communist Party,

In the 1950's, people demanded a constitutional amendment to forbid the Communist Party in this country. In the 1960's and 1970's there were flags burned all across America in the civil rights and Vietnam war protests, and people demanded then a constitutional amendment to protect the flag. Today there are more flags flying in America than ever before in our history. The Communist Party is not even on the ballot in most States, and gets less than one-half of 1 percent in the States where it is on the ballot.

In the last several years, we have had a handful of people out of 260 million arrested for desecrating the flag. Some are demanding now another constitutional amendment to amend the Bill of Rights, to demand that we show respect by not allowing a form of disrespect. The Supreme Court said no, and Congress agreed. I was one of the Members of Congress that agreed.

I believe our forefathers would have said, leave them alone. If they are desecrating this flag out of meanness or ill will, rather than honest differences with their own Government, they will reap their own reward. They cannot destroy the Bill of Rights by destroying the symbol for the freedoms the Bill of Rights gives us. Their ideas will never match up to freedom, no matter what they are.

Leave them alone. The ignorance of their act will show the bankruptcy of their ideas. However, if you take away their free will, even to show disrespect, you will do more injustice to the principles upon which this government was formed than they ever could.

Just as we in our sins against the Creator end up bankrupt by our rebellion, they will end up the same way in their sins against the Nation. Have faith. Have faith that love and freedom will sin. Love never fails.

If we could command respect by the law, we would not need faith, but our forefathers said that faith will be the foundation of our freedoms, the faith that people, because they are free, will in the end choose to be responsible.

This is the history book from which I taught the principles of Government, the Constitution, and the Bill of Rights. This is my Bible, upon whose words I have stacked by life.

This Fourth of July, because I will do today what I think is consistent with my faith, Old Glory for me personally will fly higher and brighter than ever before. God bless America, God bless the Bill of Rights, and God bless our flag.

Mr. PAUL. Mr. Speaker, the Congress will vote today on a ''Flag Burning Amendment'' to the Constitution. This issue arouses great emotions even without any evidence flag burning is a problem. When was the last time we heard of a significant incident involving flag burning? It's a nonissue but Congress has managed to make it one while avoiding the serious matters of life, liberty, and property.

There just is no flag ''desecration'' crisis. Where are the demonstrators, where are the letters? Will this only lead to more discredit on Congress? Only 6 percent of the American people trust anything they hear from the Federal Government so why should they believe there is a flag crisis requiring an adjustment to the Bill of Rights for the first time in our history. Since most of what Congress does, leads to unintended consequences, why do we feel compelled to solve imaginary problems?

The American people are way ahead of the U.S. Congress and their distrust is a healthy sign the Republic will survive in spite of all our good deeds and noble gestures. And that's good.

What sense of insecurity requires such a public display to reassure ourselves we are patriots of the highest caliber, confident enough to take on the flag burning movement—a movement yet to raise it's ugly head.

Our political saviors will have us believe that our loyalty to America hinges on this lone amendment to the Constitution.

As Congress makes plans to attack the flag enemies, it stubbornly refuses to consider seriously: the Doctrine of Enumerated Powers, property rights, political propaganda from a government run educational system, taxpayer's paid-for NEA sacrilege, licensing of all broadcast networks, or taxpayer's financing of monopolistic political parties, let alone the budget, the debt, the deficit, honest money, policing the world, and the entire welfare state.

Pervasive bureaucratic government is all around us and now we're spending time on developing the next addition to the Federal police force—the flag police. Diverting attention away from real problems toward a pseudo-problem is not a few technique of politicians.

MOTIVATION

Political grandstanding is probably the greatest motivation behind this movement to change the Constitution. It's thought to be easy to embarrass those who, on principle, believe and interpret the 1st Amendment differently. Those who vote eagerly for this amendment do it with good intentions as they laugh at the difficult position in which opponents find themselves.

Will the country actually be improved with this amendment? Will true patriotism thus thrive as the mal-contents are legislated into submission? Do we improve the character of angry people because we threaten them with a prison cell, better occupied by a rapist?

This whole process fails to address the anger that prompts such misguided behavior as flag burning. We have a government growing by leaps and bounds, our citizens are fearful of the future, and we respond by creating the underwear police—surely, flag underwear will be deemed a ''desecration''.

Why is dealing with a symptom of anger and frustration by suppressing free expression a moral good?

The best I can tell is legislative proposals like this come from Congress' basic assumption that it can legislate economic equality and mold personal behavior. The reasoning goes; if Congress thinks it can achieve these goals, why not legislate respect and patriotism even if it does undermine freedom of expression and property ownership?

DESECRATION

Desecration is defined as: ''To divest of a sacred character or office, commit sacrilege or blasphemy or de-(con)secrate.'' If consecrate is ''to make sacred; such as a church or bread and wine,'' how can we ''de-consecrate'' something not first ''consecrated''? Who then consecrated the flag? When was it done? Sacred beliefs are those reserved for a religious or Godly nature, that is, to set apart for the worship of a deity. To make holy.'' Does this amendment mean we now concede the flag is a religious symbol? Will this amendment if passed essentially deify the State?

There are some, I'm sure, who would like to equate the State with God. The State's assumption of parental rights is already a deep concern to many Americans. Will this encourage more people to accept the State as our God? We imply by this amendment that the State is elevated to a religion—a dangerous notion and one the Founders feared. Calling flag burning ''blasphemous'' is something we should do with great caution.

Won't it be ironic if the flag is made sacred—consecrated—and we write laws against its desecration at the same time we continue to steal taxpayer's money to fund the National Endowment for the Arts which truly desecrates Christ and all of Christianity in the name of ''free speech''?

The flag, indeed, is a loved patriotic symbol of American pride and freedom. Many of us, I for 5 years, have served our country in the military fighting for the principles of liberty, but not for the physical cloth of which the flag is woven.

There is confusion between the popular symbol and the real stuff, and in the process of protecting our symbols we are about to undermine the real stuff—liberty. The whole notion of legislating against desecration is vague and undefinable. Burning can be easily identified but shouldn't it matter who paid for the flag? Are there no owners of the particular flag involved? Are all flags to be communal property? If we pretend flags are universally owned, that means we can use them randomly. If there is no individual ownership how can one sell or buy a flag? Should it not be a concern as to where the flag is burned and on whose property? With this legislation the flag will lose its identity as property and become a holy government symbol not to be desecrated? These are difficult questions but they must be answered.

Will using a flag as underwear or as a beach towel or a handkerchief or flying it upside down become a Federal crime?

The American Legion and the Veterans of Foreign Wars burn flags to dispose of them. This respectful ritual is distinguished from a hoodlum doing it only by the intent. Are we wise enough to define and legislate ''intent'' under all circumstances? Intent obviously implies an expression of a view. So Congress now feels compelled to police intentions, especially if seen as unpopular.

Whatever happened to the notion that freedom to express unpopular, even obnoxious views, including Marxist ideas was the purpose of guaranteeing freedom of expression. Of what value is protection of only popular and majority-approved opinions? That's a mockery of liberty. Soviet citizens had that much freedom. Remember, dissidents who burned the Soviet flag were shot. A national flag police can only exist in a totalitarian state. We should have none of it.

Why not police the burning of the Constitution, the Declaration of Independence, the Emancipation Proclamation? These acts, expressing a radical fringe view, would be as equally repugnant, and a case could be made they might be even more threatening because their attack would be precise and aimed at the heart of American liberty. The answer is the political mileage is with the flag and tough luck to those who have principled opposition.

But no one should even squirm or weasel out of the right vote, even if threatened with possible negative political fallout.

FREE EXPRESSION VERSUS PROPERTY

The right of free expression and the right to our property are inseparable. A free society cannot have one without the other. When one is compromised, so is the other. Concentrating on free expression while ignoring the importance of owning property sanctions taxpayer's funding of the likes of the NEA and a Government propaganda machine like the one that permeates our schools from Head Start to the post graduate levels. By ignoring the taxpayers right to control all educational expenditures, property rights are violated.

When property rights are correctly honored, free expression is guaranteed through that right. The independence of a newspaper, radio station, or a church guarantees the use of that property in any free expression desired. Remember, no one has the right to use any newspaper, radio, or church to exert his or her own opinion as an example of ''free speech.'' Catholics have no ''right'' to say Mass in a Jewish temple. Certainly in our homes we are protected from others imposing their ''free speech'' on us. It's the church property that guarantees freedom of religion. The networks or papers need not submit to demands to be heard by religious believers as an example of free speech. Use of the radio or newspaper by those with strong opinions or religious views is only done voluntarily with the permission of the owner.

Yes, it is very important who bought the flag and where it was when ''desecrated.'' What if it's in a home or in a church for some weird reason? Do the police invade the premises? Who gets sent in: the BATF, the DEA, the FBI, the U.S. Army, or the flag police? If it's on Government property or a Government flag or someone else's flag, that is an attack on property and can be prosecuted. By legislating against how someone else's flag is being used, the right of free expression and property ownership is infringed just as if it were church property or a newspaper.

We work diligently to protect controversial expression in books, television, movies, and even bizarre religious activities through the concept of private property ownership, as long as violence is not used. Is this matter much different?

We live in an age where it's becoming more common to attack free expression and that's a danger we should not ignore. We find one political group attacking expression that violates the subjective rules of politically correctness while working to prohibit voluntary prayer. Now another wants to curtail expression through flag antidesecration laws in the name of patriotism. But there is a better way to handle demonstrators and malcontents.

The danger here is that flag burners frequently express a disdain for big Government. Curtailing any expression of criticism of the Government is fraught with great danger. Will anyone who opposes big Government someday be identified as a ''friend'' of the flag burners and treated like one since he is expressing an idea similar to the flag burners. Just because some people aren't smart enough to express themselves in any other way than flag burning, it does not justify the careless attack on freedom of expression. Once it's routinely accepted that expressing these ideas is dangerous to the status quo, all our freedoms are threatened.

SUMMARY

This is a dangerous and needless political exercise. Flag burning is not epidemic or even prevalent. Why must we continuously find dragons to slay? Whom are we trying to reassure? Why do we feel compelled to prove, by voting to change the Constitution, that we are true patriots? Could it be that Congress' lack of vigilance in defending the Constitution has created a sense of guilt that must be purged. But will it really compensate for the endless shredding of the Constitution through legislation that has occurred throughout this century?

If we could spend one-tenth of the time on restoring the Founder's intent in the Doctrine

of Enumerated Powers that we have spent suppressing free expression I would be a happy person. Instead, we daily shred the intent of constitutional law by regulations, taxes, and abusing liberty to a point that the Constitution has no relevance. Maybe that's it. If the Constitution has no current relevance, it's assumed to be OK to mess it up even more with an amendment which will serve only to further undermine liberty and threaten free expression.

What the Congress, the Executive, and the Courts have done in the past 50 years to undermine the Constitution is many times more disgraceful and dangerous than what any two-bit punk flag burner can do—especially if we ignore him. If this amendment is passed, flag burners will get more attention, not less. Their cheap message will get more publicity than if we had ignored them. The goal of the flag burner will be enhanced by the amendment by this extra attention they gain.

This amendment will do nothing to restore trust in the Federal Government. It won't fill the void left by the scandals, the perks, the plush pension program, the false promises of the welfare state, and pledges to balance future budgets. This amendment will do nothing to curtail Federal Government control over education, which indeed does infringe on free expression through Government indoctrination. Remember it was Government management of our schools in the name of free expression, which actually led to the prohibition of voluntary prayer.

We need to direct our patriotic zeal toward defending the Constitution and to the protection of liberty. Lack of this effort has led to the impending bankruptcy of the welfare/warfare state. Now there's a problem worth directing our energies.

The flag police are no substitute for our policing our own activities and responsibilities here in the Congress. We are endlessly delivering more power, in the name of political emergencies, budgetary crisis, and Government efficiency, to the Executive—a process not permitted under the Constitution.

We permit Socialists to attack property rights and the fundamentals of economic liberty as a right under the Constitution. But those who profess respect for private property should not be trapped into attacking flag ''property'' when it's used to express unpopular anti-Government views and even change the Bill of Rights to do so.

The Socialists know what they are doing but, the antidesecrators act out of confused emotions while responding to political pressures.

We should not further sacrifice freedom of expression with a flag amendment, especially when compared to the harm done with taxpayers funding of school propaganda and NEA desecration, it is negligible.

True patriots can surely match the wits of the jerks who burn flags, without undermining the first and fifth amendments. We can do better than rush to alter constitutionally protected free expression for a nonproblem.

We could easily organize bigger and grander demonstrations to celebrate our constitutional liberties for which the flag is our symbol in answer to the flag burners. I promise to appear, anytime and anyplace, to celebrate our liberties and countermand the flag burners who work so hard to offend us.

Mr. BROWN of California. Mr. Speaker, I rise today in opposition to House Joint Resolution 54, the constitutional amendment to prohibit the physical desecration of the American flag. As I contemplated speaking on this issue today I thought about what I should say. I realized that the statement that I made on the floor back in 1990 is still relevant. As I said back in 1990, I take this time not because I expect to change the mind of a single one of my colleagues, nor contribute some profound insight or new knowledge to the debate. But I have very deep feelings on the matter, and I want my colleagues and my constituents to understand those feelings and to judge me by them, for they go to the heart of why I love my country and wish to serve it to the very best of my ability.

Mr. Speaker, the first amendment speaks first of freedom of religion, then of speech, the press, and assembly. Religion is placed first, because many, if not most of the early American colonists who came to this country, came to escape the restrictions placed upon religious freedom by the kings of England who felt that they ruled by divine right.

No human rules over others by divine right. No flag symbolizing a ruler or a state is sacred. To even speak in such terms denies the primacy of God in the world, demeans the spiritual basis of freedom and democracy and smacks of idolatry. The very term ''desecrate'' means ''to violate the sanctity of * * *'' and sanctity is ''the quality or state of being holy or sacred.''

No earthly flag is sacred or holy. All earthly rules and governments are flawed and imperfect, and must be brought closer to perfection by those willing to protest and to criticize, sometimes in shocking terms. Protection of that right is at the heart of the first amendment.

No single act of political protest is more frequent and disrespectful to the vast majority of American people than that of burning the American flag. I know that every member of this institution is personally and deeply offended by the thought of Old Glory burned in protest. However, we should be even more offended by proposals to fundamentally alter the very principles for which the American flag stands. Mr. Speaker, let us try not to move down that road.

The strength of this Nation has always rested upon the principles of freedom of speech, press, religion, and assembly as embodied in the Bill of Rights. It was for these freedoms that our Founding Fathers created the greatest experiment in popular democracy in human history. The flag is the physical symbol of those freedoms and although it is not sacred, it pains us deeply to see that symbol destroyed by malcontents seeking by their shocking behavior to bring public attention to their unpopular political positions. In amending the Bill of Rights for the first time in our Nation's history, however, we would be doing more damage to the integrity of our society then could ever be inflicted by a small handful of disgruntled protesters seeking to call attention to their views.

The right to freedom of speech as established by the first amendment is not an absolute right. It can be restricted by the law and the courts when necessary to protect public's safety, or the rights of other individuals. But it stands at the apex of those principles and values which were aimed at protecting individual freedom from encroachment by powerful and autocratic organs of government. The first amendment provides protection for those who express views that we believe, as well as those that we abhor.

In writing the Bill of Rights, Thomas Jefferson and James Madison captured the principle in the well-known words of the 18th century French author Voltaire: ''I disapprove of what you say, but I will defend to the death your right to say it.'' Those who wish now to amend the Constitution are saying: ''I disapprove of what you are saying, and I intend to make it illegal to say it.'' This is what tyrannies do, not democracies.

There may be some who will argue that the Supreme Court erred in considering flag burning to fall within the protection of the first amendment by virtue of being a form of symbolic speech. I ask those persons to look within their minds and hearts and analyze the message they received as they watched the Chinese students in Tiananmen Square burn the Chinese flag and erect a miniature Statue of Liberty. Was the message that fun-loving Chinese students needed to keep warm and therefore burned anything available, and that they admired American statuary? No, the message was clear to all that they supported freedom and democracy and opposed the autocratic regime of the Chinese Communist leaders, and were willing to suffer to convey that message. And we applaud their heroism.

That Chinese Government understood the message full well and responded to their young people's demands for greater political freedom with tanks and guns. Right now, that country is considering a law prohibiting flag burning. Throughout history, dictatorships have sought to expand their power by prohibiting disrespect of their symbols. That was the case in 17th and 18th century England, and of course led many citizens to leave their country and settle in America in order to avoid prohibitions. In our country, it is not the symbols that are paramount to us. It is what those symbols represent that unifies us.

Love of country and respect for the values of human freedom cannot be coerced. A country which seeks to do so will not only fail, but its actions will destroy that which it seeks to protect. Some argue that the Bill of Rights can stand a little tinkering. Who are these people kidding? Don't they realize the risks that such a step would pose? In altering the first amendment, we would be heading down a slippery slope of further erosions of the freedoms that we hold so dear.

If flag burning were protected, then the next logical step would be banning desecration of the Constitution, Bill of Rights, Statute of Liberty, and Declaration of Independence. And what about effigies of the President? The destruction of any of these—or any items resembling these important national symbols—is abhorrent and can be seen as a statement of profound disrespect for this Nation. But is that the path that we want to head down, given the courts the role of interpreting whether a flag printed on a matchbook, a replica of the Statute of Liberty, or a copy of the Bill of Rights were destroyed with the intent of making a statement against our Government?

Deep down, I believe that every Member of Congress recognizes the dangerous precedent we would be setting in tampering with the first amendment. We recognize these risks, but we are being pushed toward this decision by crass political opportunists who have already designed the 30-second television spots they

intend to use to advance their own political ends. Thomas Jefferson and James Madison would turn in their graves if they saw the work of their genius manipulated in this fashion.

The American flag is among the most powerful symbols in the entirety of human history. It has withstood the test of time not because it was protected against destruction, but because the ideas which it embodies cannot be destroyed—no matter what anyone does to the flag itself.

Mr. Speaker, the easy vote today would be to vote in favor of amending our Constitution. That is what our political pollsters tell us would garner the most votes from the American public. We were not elected to this institution, however, to take the easy road. Our task is a more serious and burdensome one. Each one of us has taken the oath to ''support and defend the Constitution of the United States against all enemies foreign and domestic.'' That document—and all that it stands for—is not threatened by a small handful of political protesters. It is threatened, however, by an effort to amend its most central tenet, the Bill of Rights.

As Justice Anthony Kennedy has argued:

> The hard fact is that sometimes we must make decisions we do not like. We make them because they are right. * * * It is poignant but fundamental that the flag protects those who hold it in contempt.

Nobody likes casting a vote that will be manipulated by high-paid political consultants as being a ''vote against the flag.'' It is preposterous, however, that we would modify the Constitution for fear of self-serving political attacks. In my view, there could hardly be a more patriotic act than to vote to protect the sanctity of the Bill of Rights. It is not the easy vote, but it is the right one.

Mr. RODRIGUEZ. Mr. Speaker, I rise today in support of the constitutional amendment allowing for legislation to protect the desecration of our flag. Throughout history, Americans have fought and died for this Old Glory, and we owe it to their memory to protect this symbol at home.

It will indeed be a challenge to at once protect the symbol and also protect that for which it stands. Whether flying over the local high school or the post office, beckoning foreigners at a U.S. Embassy or consulate, covering a crate of aid to victims of strife abroad, or drapping a casket of a servicemember killed in action, the Stars and Strips has and always will instill a sense of pride and security the world over. We have inherited this legacy, from the days Betsy Ross put together the patches of cloth, and we should treasure it, preserving it for the future, a future of much more diversity, patches of different-colored cloth.

So in voting for House Joint Resolution 54, I understand the feelings of free speech being restricted. I urge this body to take tremendous caution in drafting any future laws which will specify liability and penalties. In defending the symbol of the fort, we must not give away the fortress, the Bill of Rights. We must not today give up any power to vigorously defend and fully guard the liberties enshrined in the Bill of Rights in enforcing and adjudicating flag desecration laws.

We have a duty to those who have come and gone before us, and to those that preserve our country as a symbol of freedom the world over. Although desecration of Old Glory is itself an expression of speech, I can, in good conscience, draw this thin red, white, and blue line.

Ms. BROWN of Florida. Mr. Speaker, Unfortunately, I was unavoidably detained and could not cast my vote in support of the flag desecration amendment. Had I been present, I would have voted for the amendment. As a member of the Veterans Affairs Committee, I continue to pledge my support to protect the veterans of our country, as well as the flag of the United States of America. The flag is the most esteemed emblem of this country—and this amendment will restore the authority to Congress to regulate the treatment of our most precious symbol.

To our Nation's veterans and their families, the flag is more than a symbol of our country. It is the cloth under which they defended our country and risked their lives. I truly believe that there should be a means by which we can show our love and respect for the flag—while at the same time monitoring the treatment of this highly important part of America.

Mr. KIM. Mr. Speaker, I rise today in strong support of House Joint Resolution 54, an amendment of the U.S. Constitution to prohibit the physical desecration of the flag.

I grew up in Seoul, Korea. Not the Seoul we know today: modern and democratic. The Seoul I grew up in was an occupied city, invaded by Communist forces that had come down from the North and terrorized the Korean people. My family lost everything during the Communist occupation—including family members and friends, who we saw executed in the streets, right before our very own eyes. It was a living Hell.

I still remember like it was yesterday, the day the American soldiers, strong and brave, arrived in Seoul and drove the Communists out. Behind them—weathering the shrapnel and bullets—was Old Glory. To use, the Red, White, and Blue symbolized freedom and liberty.

In the midst of the battle zone that was my neighborhood, I stood watching the U.S. Marines fight in our streets and drive out the Communists. Suddenly, one of the soldiers broke ranks, picked me up and carried me out of the line of fire to safety. As he put me down, he patted me on the head and gave me two things: a chocolate bar and a small American flag. I kept that flag in my pocket, believing, as I do today, that it was a good luck charm, the symbolism of everything great about America.

That small flag gave me hope. It symbolized the courage and bravery of the young men putting their lives on the line, thousands of miles away from their homes and their families. That American spirit, that flag, made me want to become an American.

I owe a debt of gratitude to that flag, and to everything it represents. There is no greater symbol of freedom and hope anywhere in the world than the Red, White, and Blue. Ask any person in any opposed country, and they will tell you.

So today we again vote on a constitutional amendment to prohibit desecration of our flag. I urge my colleagues to support this resolution. We cannot allow the symbol of our country, the symbol of freedom and liberty, to be dishonored and desecrated. If we do not defend our flag, who will?

Support our flag, vote for this bill.

Mr. LUCAS of Oklahoma. Mr. Speaker, I rise to commend Chairman Solomon and the nearly 300 cosponsors, Republicans and Democrats, who recognize the importance of protecting the American flag. It is downright repulsive that the very symbol of our freedoms and rights can be trampled upon under the guise of the first amendment.

The flag is what soldiers salute every day, it is what we, as Members of Congress, address every morning when we recite the Pledge of Allegiance, it is what we hoist during military ceremonies, it is what we drape over the caskets of our fallen soldiers, and it is what we placed on the Moon in 1969 during one of the proudest moments of my life. To minimize the symbolism of what the flag represents is reprehensible. Congress should have the ability to protect the sanctity of the flag.

The Supreme Court has ruled that physical desecration of the flag is protected by the first amendment to the Constitution. This is a mistake and the reason why we are here today. Congress cannot pass statutory language prohibiting physical desecration of the flag because of this ruling. I join an overwhelming majority of my colleagues in protesting this decision and protecting our flag.

Our veterans, those who have fought to protect the freedoms we cherish, have asked that the flag that they fought for be protected. The Government should attach the same level of importance to the flag that we respect and treasure. This amendment is the right thing to do at the right time. Let's show our veterans that we respect the flag by approving this today.

I appreciate the opportunity to make my voice heard on this important issue and encourage my colleagues to support this measure and send this to the States for ratification.

Mr. SCHIFF. Mr. Speaker, I write today in support of House Joint Resolution 54, the constitutional amendment to prohibit the physical desecration of flag of the United States.

As a 26 year member of the New Mexico Air National Guard and the Air Force Reserve, I believe that our flag occupies a special place in our society, as well as in military protocol. Military members are expected to salute the flag of the United States when it passes by in parade, or during retreat ceremonies.

The flag is our unique symbol that signifies the beliefs on which this country was founded: liberty, freedom, and democracy. Although we have other important national symbols, none are treated with the reverence of our flag.

Although I am a proud cosponsor of House Joint Resolution 54, I was unable to vote today in support of this important constitutional amendment, due to the fact that I am currently back in New Mexico for medical reasons. I voted for a similar amendment in the 104th Congress, and would have done so again today, because I believe that the flag deserves special protection from desecration.

Mr. BISHOP. Mr. Speaker, as an original cosponsor of this resolution, I rise as a proud and strong supporter of this joint resolution which would amend the Constitution of the United States to prohibit the physical desecration of the flag. I want to thank Congressman SOLOMON, the other 284 cosponsors of the bill, and the alliance of groups and individuals for their tireless efforts in support of this bill.

As Flag Day approaches, it is appropriate that we take this opportunity to recognize and emphasize the importance of Old Glory. The flag represents something sacred. It may just

be a piece of cloth, but it symbolizes the sacrifice of millions of Americans who have served and died defending our country's promise of freedom and opportunity for all. It represents patriotism itself. Those who oppose legal barriers against flag desecration say this is a restraint on freedom of expression. They are wrong. This cause does not diminish the sacred values on which the country is founded, including free expression. By protecting the flag we honor these values, we uphold them, we strengthen them.

Many Americans have willingly fought and died defending the flag. By legally protecting this unique symbol, we uphold the respect and honor they are due. In the freest country in the world, this hardly imposes a serious threat on expression.

We must pass this resolution so that we can provide our Nation's most precious symbol with the much needed protection it deserves. Forty-nine States have passed resolutions calling upon us to pass this amendment, overwhelming public opinion is calling upon us to pass this amendment. It is time we answer these calls by passing this amendment. Moreover, it is time we send a message to those who would disrespect and dishonor Old Glory.

Again, I want to express my strong support for this resolution and strongly urge my colleagues to support it.

Ms. PELOSI. Mr. Speaker, I rise in opposition to House Joint Resolution 54, a constitutional amendment to prohibit flag desecration.

Mr. Speaker, I respect and revere our flag, all Americans do. It is a most treasured symbol of our country's freedom. But a constitutional amendment would diminish the freedom of expression that we hold so dear.

Those brave people who struggle for human rights around the world look to the United States and its flag as symbols of freedom and tolerance. We have seen the tragic cost in other countries of placing greater importance upon a nation's symbols then on the freedom of each person to speak freely. We recognize that it is not the flag itself, but the treasured principles of democracy behind it that we must protect at all costs.

Our flag is a piece of cloth that represents freedom and tolerance. But the flag itself must not be mistaken for what it represents. The freedoms of the first amendment are too valuable and cherished, too hard-fought and hard-won to be restricted by this amendment. I urge my colleagues to oppose this restrictive legislation.

Mr. BARCIA. Mr. Speaker, ''The flag is the embodiment, not of sentiment, but of history. It represents the experience made by men and women, the experiences of those who do and live under the flag.''

President Woodrow Wilson knew the real meaning of our flag when he made this statement in 1915, and it is a sentiment that I firmly share. It is precisely why I cosponsored House Joint Resolution 54, proposing an amendment to the Constitution to prohibit the desecration of the flag of the United States, and it is why my colleagues should vote in favor of this resolution.

From the hands of Betsy Ross, through the eyes of Francis Scott Key during the bombardment of Fort McHenry in 1814, to the raising at Iwo Jima, our flag has represented the hopes and beliefs of generations of Americans. It symbolizes resolve. It symbolizes freedom. It symbolizes democracy.

Over the years, we have had people who have violated the spirit expressed by our flag. They have wrongly suggested that the burning of the flag is a matter of freedom of speech. Well, if you can't shout fire unnecessarily and be protected by the freedom of speech, you shouldn't be able to burn our American flag as an expression of speech.

Our veterans' groups have seen friends and family fall in the line of duty protecting our flag. They proudly salute it as it passes by, bringing back the painful and glorious memories of times served protecting what the flag represents. I can only imagine how they feel when someone, who has had the benefit of not having had to go to war because of the sacrifices that so many have made, defiles our flag in such a disrespectful, demeaning, and childish act of burning it.

Let us never forget the words of Henry Ward Beecher, the American clergyman, editor, and abolitionist, who said: ''A thoughtful mind, when it sees a nation's flag, sees not the flag only, but the nation itself.'' We cannot let the world see Americans burn our flag, and then hypocritically criticize others elsewhere in the world who do the same thing. If it is wrong for others to burn the American flag, then it is most assuredly wrong for Americans to burn it. Let our Nation be unified in the fact that there are some things too important to defile, too important to ignore, and chief among them is our flag.

Mr. FRELINGHUYSEN. Mr. Speaker, this Saturday, June 14, America will celebrate Flag Day. Millions of American men and women all across the country retrieved their Star Spangled Banner from the basement or attic and proudly displayed it to honor the day. For many families, the flag itself is a tradition. Perhaps it was granddad's flag, or a gift from a son or daughter serving in the military. Perhaps it even draped the coffin of a sister or brother who paid the ultimate sacrifice for the United States.

Whatever the case—the American flag means something special and personal to each and every one of us. It represents our freedom, our dreams, our liberty, and our common bond. It is the emblem of unity to which every fourth-grader has pledged their allegiance at one time or another. In the House of Representatives, we begin every day with that same pledge. We pledge allegiance to the flag because of ''the Republic for which it stands.'' As a veteran, I believe that our flag is our Nation's most enduring symbol.

It is unfortunate and saddening that some disagree. They use the flag to express an opinion or to make some kind of statement. I think this is complete idiocy. Burning our flag is simply wrong and should be outlawed. As an original cosponsor of a constitutional amendment to ban flag desecration, I am working with almost 300 of my colleagues in the House of Representatives to protect the flag and what it stands for. We are making significant progress; 49 States have already passed resolutions requesting that Congress ban flag desecration.

We hold high respect for the flag not because of what it is but because of what it stands for. We have rules which define the proper way to display, store, and maintain our flag. These rules were established for a reason. They were established so that we would not grow complacent about our flag and hence our unity and freedom. They protect our flag so that we remember the high price we paid for our freedom and personal liberties. Our flag reminds us that we are one Nation, one People—regardless of our diverse backgrounds, religious, or ethnic heritage.

Our flag reminds us of who we are as Americans, and deserves the utmost honor, esteem and protection.

Mr. PACKARD. Mr. Speaker, the United State is often referred to as the great American ''melting pot''—a blend of many different people, cultures, and heritages. The American flag represents this diversity; it embodies the values, traditions, and aspirations that bind us together as a nation. It stands above our differences and it unites us in war and peace. No other symbol is so readily recognized as the American flag nor says ''America'' quite so eloquently.

The beauty and significance of our flag has always inspired Americans to provide some measure of protection from abuse. In fact, the first flag protection laws were enacted in the 1880's. For more than 100 years, our flag enjoyed legal protection. In 1984, 48 States and the Federal Government had laws to safeguard our flag. Five years later, in a 5 to 4 split decision, the U.S. Supreme Court stripped away the people's right to shield the American flag from intentional, public desecration. Americans were outraged by this decision.

Mr. Speaker, America is a beacon of democracy and hope in a world plagued by turmoil and depression. Flag desecration is a slap in the face to all those who have worked to make the United States the model among nations and freedom a guaranteed right.

For these reasons, I intend to support passage of House Joint Resolution 54, introduced by my colleague GERALD SOLOMON, which will permit Congress and the States to prohibit the physical desecration of our flag. I whole-heatedly support Congressman SOLOMON's efforts to defend the flag. No other American symbol captures the spirit of this Nation. It deserves the utmost respect and protection. Americans want to have the flag protected. I will vote to defend our flag from harm and preserve the rights and freedoms of all American citizens.

Mr. BUYER. Mr. Speaker, the legislation before us today would amend the Constitution to empower Congress to enact legislation to protect Old Glory from desecration. The American flag is a mighty symbol, not only to the citizens of this great Nation, but also to those abroad who see it flying, at our embassies or on the ships of our naval fleet. It represents the freedom of our people, the courage of those who have defended it, and the resolve of our people to protect our freedoms from ''all enemies, foreign and domestic.''

This is not an issue about what people can say about the flag, the United States, or its leaders at any given time. The rights under the first amendment are fully protected. The issue here is that the flag, as a symbol of our Nation, is so revered the Congress has a right to prohibit its willful and purposeful desecration. It is the conduct that is the focus.

Across the river from here, is a memorial to the valiant efforts of our soldiers to raise the flag at Iwo Jima. It was not just a piece of cloth that rose on that day over 50 years ago. It was the physical embodiment of all we, as Americans, treasure; the freedoms we enjoy; the triumph of liberty over totalitarianism; and the duty we have to pass the torch of liberty to our children undimmed.

The flag is a symbol worth defending. I urge the adoption of the flag protection amendment.

Mr. GILMAN. Mr. Speaker, I am proud to rise in strong support of this resolution prohibiting the physical desecration of the flag of the United States. I commend the gentleman from New York [Mr. SOLOMON], the original sponsor of this legislation, for his dedicated work and determination on this important issue.

As Americans across the country prepare to celebrate our Nation's independence, it is befitting that the House of Representatives is considering this important legislation.

For hundreds of years, courageous men and women have fought for the ideals and beliefs that our great Nation represents. To the many dedicated men and women who have sacrificed for our Nation, our flag is not just a piece of cloth, it is not just the symbol of our Nation, it represents our inherent belief in our freedoms and our ideals.

Based upon these strong beliefs of proud Americans across the country, 49 State legislatures have passed resolutions asking Congress to approve an amendment to the Constitution protecting our flag; 48 States have enacted flag-desecration laws. Over 80 percent of the American people support such an amendment to the Constitution.

This is not any new issue, yet today, it is more important than ever. Accordingly, I urge my colleagues to join in strong support of this legislation.

Let us properly protect our flag and all of the ideals that it represents. I urge my colleagues to vote for House Joint Resolution 54.

Mr. BEREUTER. Mr. Speaker, as an original and strongly committed cosponsor, this Member rises in support of House Joint Resolution 54, the measure before us today which proposes a constitutional amendment authorizing Congress to ban the physical desecration of the American flag.

Certainly, there are legitimate arguments on both sides of the issue of whether or not it is desirable to change the Constitution to permit legislation to protect the American flag. However, opponents of such a constitutional amendment are not entitled to sanctimoniously wrap themselves in the Constitution citing the first amendment. Our Constitution provides a way that Americans can amend it through State ratification. Like the majority of Americans and the vast majority of this Member's Nebraska constituents, this Member believes it is appropriate to propose a constitutional amendment for a legislative method to protect the most important symbol of our Nation—the American flag.

This Member disagreed with the U.S. Supreme Court decision, Johnson versus Texas, which overruled the conviction by the State of Texas of a protester at the 1984 Republican National Convention for setting the American flag on fire. The Court ruled that the burning of the American flag was a form of expression protected by the constitutional guarantee of freedom of speech. In Congress, this Member has been a strong supporter of a constitutional amendment to reverse the Supreme Court's ruling in Johnson versus Texas.

For over 200 years the American flag has occupied a precious spot in the hearts of our Nation's citizens. It is a unique symbol of the principles and values which make this country great and which are generally shared by American citizens. Many have sacrificed, fought, and died under our flag for freedoms forged by the principles and values embodied in the Declaration of Independence and the Constitution.

Mr. Chairman, this Member urges his colleagues to vote in favor of the resolution. This is an important step to ensure that States and Congress can enact legislation protecting our flag without fear that these laws will be ruled unconstitutional.

Mr. DOYLE. Mr. Speaker, as Flag Day quickly approaches, I can think of no other legislation more appropriate for the House to consider than House Joint Resolution 54. As an original cosponsor in both the 104th and 105th Congresses, I am pleased to voice my support for the right of our citizens to protect the American flag.

While much of what the Congress considers derives its momentum from within the halls of Washington, the genesis and steadfast support of House Joint Resolution 54 comes directly from the constituents we all have the privilege to represent. Hundreds of residents from the 18th Congressional District of Pennsylvania have expressed to me their support for the U.S. Government to have the power to prohibit the physical desecration of the flag. As House Joint resolution 54 has the support of 284 cosponsors, it is apparent proponents from across our great country have been equally vocal about their support. Given the fact that the cosponsor total is just six votes short of the two-thirds majority required for passage, I am confident that this year's vote will surpass the vote in the 104th Congress.

Prohibiting the desecration of our flag does not deny individuals their thoughts or opinions, but preserves our national symbol of freedom as the most visible form of the ideals of the American people. Indeed, our freedom of speech is a result of the supreme efforts of those who contributed to our Nation's independence and unity, and who see our flag as the embodiment of the American spirit. For those individuals who feel differently, I would respectfully urge them to find more productive ways to express themselves, rather than involve themselves in an act of destruction. In the wake of our country's firsthand experience with domestic terrorism and racial tension, House Joint Resolution 54 provides an excellent opportunity to reiterate our commitment to, and respect for, our national history of uniting our diverse population.

I urge my colleagues to vote in favor of protecting the symbol that embodies liberty, freedom, and democracy: our American flag.

Mr. BLUMENAUER. Mr. Speaker, Americans cherish their flag and all it represents. It is fitting and proper to do everything in our power to honor this symbol of America.

This proposed constitutional amendment is the wrong way to go about doing so. The authors of the Constitution and the Bill of Rights gave us a wise and enduring framework, one which has guided this Nation for over 200 years. We should but rarely and in moments of absolute necessity alter their work. This amendment does not meet that test. However repugnant burning or otherwise desecrating the flag is to us individually, flag desecration is not a problem in American society today. In the last 10 years, I cannot remember a single instance where anyone in Oregon walked up to me and raised this as an issue. To elevate a moronic but anachronistic and virtually extinct form of protest to the level of constitutionally defined crime, in my judgment, is likely to increase the incidence of flag desecration as people turn to burnings to gain attention for themselves. This serves the interests of absolutely no one other than the extremists who will have been handed a new tool for expressing their cause.

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). All time for debate has expired.

Pursuant to House Resolution 163, the joint resolution is considered read for amendment, and the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

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

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken.

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 310, nays 114, not voting 10, as follows:

[Roll No. 202]

YEAS—310

| | | |
|---|---|---|
| Aderholt | Clyburn | Gillmor |
| Andrews | Coble | Gilman |
| Archer | Coburn | Goode |
| Armey | Collins | Goodlatte |
| Bachus | Combest | Goodling |
| Baesler | Condit | Gordon |
| Baker | Cook | Goss |
| Baldacci | Cooksey | Graham |
| Ballenger | Costello | Granger |
| Barcia | Cox | Green |
| Barr | Cramer | Gutierrez |
| Barrett (NE) | Crane | Gutknecht |
| Bartlett | Crapo | Hall (TX) |
| Barton | Cubin | Hamilton |
| Bass | Cunningham | Hansen |
| Bateman | Danner | Harman |
| Bentsen | Davis (FL) | Hastert |
| Bereuter | Davis (VA) | Hastings (WA) |
| Berry | Deal | Hayworth |
| Bilbray | Delahunt | Hefley |
| Bilirakis | DeLay | Hefner |
| Bishop | Deutsch | Herger |
| Blagojevich | Diaz-Balart | Hill |
| Bliley | Dickey | Hilleary |
| Blunt | Dooley | Hilliard |
| Boehlert | Doolittle | Hinojosa |
| Boehner | Doyle | Hobson |
| Bonilla | Dreier | Holden |
| Bono | Duncan | Horn |
| Boswell | Dunn | Hostettler |
| Boyd | Edwards | Houghton |
| Brady | Ehrlich | Hulshof |
| Brown (OH) | Emerson | Hunter |
| Bryant | English | Hutchinson |
| Bunning | Ensign | Hyde |
| Burr | Etheridge | Inglis |
| Burton | Everett | Istook |
| Buyer | Ewing | Jefferson |
| Callahan | Fawell | Jenkins |
| Calvert | Foley | John |
| Camp | Ford | Johnson (CT) |
| Campbell | Fowler | Johnson (WI) |
| Canady | Fox | Johnson, E. B. |
| Cannon | Franks (NJ) | Johnson, Sam |
| Carson | Frelinghuysen | Jones |
| Castle | Frost | Kanjorski |
| Chabot | Gallegly | Kaptur |
| Chambliss | Ganske | Kasich |
| Chenoweth | Gekas | Kelly |
| Christensen | Gephardt | Kennedy (MA) |
| Clement | Gibbons | Kennelly |

Kildee
Kim
King (NY)
Kingston
Klug
Knollenberg
Kucinich
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Luther
Maloney (CT)
Manton
Manzullo
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McDade
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Menendez
Metcalf
Mica
Miller (FL)
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Paxon
Pease
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun
Salmon
Sanchez
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Torres
Towns
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—114

Abercrombie
Ackerman
Allen
Barrett (WI)
Becerra
Berman
Blumenauer
Bonior
Borski
Boucher
Brown (CA)
Cardin
Clay
Clayton
Conyers
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
DeLauro
Dellums
Dicks
Dingell
Dixon
Doggett
Ehlers
Engel
Eshoo
Evans
Fattah
Fazio
Filner
Foglietta
Frank (MA)
Furse
Gejdenson
Gilchrest
Gonzalez
Greenwood
Hall (OH)
Hastings (FL)
Hinchey
Hoekstra
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Kennedy (RI)
Kilpatrick
Kind (WI)
Kleczka
Klink
Kolbe
LaFalce
Leach
Levin
Lewis (GA)
Lofgren
Lowey
Maloney (NY)
Markey
Matsui
McDermott
McHale
McKinney
Meehan
Meek
Millender-McDonald
Minge
Mink
Nadler
Oberstar
Obey
Olver
Owens
Pastor
Paul
Payne
Pelosi
Petri
Porter
Poshard
Price (NC)
Rangel
Rivers
Roybal-Allard
Sabo
Sanders
Sawyer
Schumer
Scott
Serrano
Shadegg
Shaw
Shays
Skaggs
Slaughter
Snyder
Stark
Stokes
Tanner
Tauscher
Tierney
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weygand
White
Woolsey
Yates

NOT VOTING—10

Brown (FL)
Capps
Farr
Flake
Forbes
McCrery
Miller (CA)
Rush
Schiff
Smith (MI)

□ 1407

The Clerk announced the following pairs:

On this vote:

Mr. Forbes and Mr. Capps for, with Mr. Rush against.

Mr. DINGELL and Mr. BERMAN changed their vote from ''yea'' to ''nay.''

So (two-thirds having voted in favor thereof) the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Ms. BROWN of Florida. Mr. Speaker, during rollcall vote No. 202 on House Joint Resolution 54, I was unavoidably detained. Had I been present I would have voted ''yea.''

## PERSONAL EXPLANATION

Mr. SMITH of Michigan. Mr. Speaker, on rollcall No. 202, House Joint Resolution 54, I was giving testimony before the Commodity Futures Trading Commission. I arrived in the Chamber too late for any vote to be counted. I am a cosponsor of this bill and had I been present, I would have voted ''yes.''

## PERSONAL EXPLANATION

Mr. SHAW. Mr. Speaker, on rollcall No. 202, I was recorded as a ''no'' which should have been a ''yes.'' I would like to think that the electronic equipment may have malfunctioned, but having been up all night with the tax-writing committee, I would have to assume that the malfunction was with me.

I ask that the RECORD show my intention and desire to vote ''yes'' as a cosponsor of the flag-burning amendment to the Constitution.

## ANNOUNCEMENT OF DEADLINE FOR FILING AMENDMENTS TO H.R. 1119, THE DEPARTMENT OF DEFENSE AUTHORIZATION BILL

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

Mr. SOLOMON. Mr. Speaker, I rise for the purposes of making an important announcement.

Mr. Speaker, this concerns the defense authorization bill and amendments thereto, so I would appreciate it if the Members would listen up.

The Committee on Rules is planning to meet during the week of June 16 to grant a rule which may restrict amendments for consideration of H.R. 1119, the Defense authorization bill for fiscal year 1998.

Mr. Speaker, any Member contemplating an amendment should submit 55 copies of the amendment and a brief explanation to the Committee on Rules in H–312 of the Capitol no later than Tuesday, June 17, at noon.

Amendments should be drafted to the text of the bill, a copy of which will be available tomorrow at the Committee on National Security.

Members should use the official Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain their amendments comply with the Rules of the House.

Members may contact Jim Doran, a member of the Committee on Rules staff, at 3–0071 if Members have further questions.

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

Mr. SOLOMON. I yield to the gentleman from Michigan.

Mr. BONIOR. Mr. Speaker, I would inquire of the gentleman from New York [Mr. SOLOMON], the distinguished chairman of the Committee on Rules, as to approximately how long we can anticipate this recess to last before we come back?

□ 1415

Mr. SOLOMON. Mr. Speaker, I would say to the gentleman, there is going to be a Republican conference right now. I do not know whether the gentleman could contemplate a Democrat conference or not, but that will probably last a half-hour to an hour, and we will be able to get word to him as soon as we can.

Mr. BONIOR. I thank the gentleman.

## COMMUNICATION FROM STAFF MEMBER OF HON. JIM McDERMOTT, MEMBER OF CONGRESS

The Speaker pro tempore (Mr. TAYLOR of North Carolina) laid before the House the following communication from Wilda E. Chisolm, staff member of the Hon. JIM MCDERMOTT, Member of Congress:

HOUSE OF REPRESENTATIVES,
*Washington, DC, June 11, 1997.*

Hon. NEWT GINGRICH,
*Speaker, House of Representatives,*
*Washington, DC.*

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel, I will make the determinations required by Rule L.

Sincerely,

WILDA E. CHISOLM.

## COMMUNICATION FROM STAFF MEMBER OF HON. JIM McDERMOTT, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Charles M. Williams,

staff member of the Hon. JIM MCDERMOTT, Member of Congress:

HOUSE OF REPRESENTATIVES,
*Washington, DC, June 11, 1997.*

Hon. NEWT GINGRICH,
*Speaker, House of Representatives,*
*Washington, DC.*

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L(50) of the Rules of the House that I have been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel, I will make the determinations required by Rule L.

Sincerely,

CHARLES M. WILLIAMS.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 21 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1602

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. LAHOOD] at 4 o'clock and 2 minutes p.m.

## PROVIDING FOR CONSIDERATION OF H.R. 1871, 1997 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM NATURAL DISASTERS, AND FOR OVERSEAS PEACEKEEPING EFFORTS, INCLUDING THOSE IN BOSNIA

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations and the Committee on the Budget be considered discharged from further consideration of the bill—H.R. 1871—making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes, when called up; and that it shall be in order at any time to consider the bill in the House, and that the bill be debatable for not to exceed 1 hour; to be equally divided and controlled by myself and the gentleman from Wisconsin [Mr. OBEY]; and that all points of order against the bill and against its consideration be waived; and that the previous question be considered as ordered on the bill to final passage without intervening motion, except one motion to recommit, with or without instructions.

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

There was no objection.

## GENERAL LEAVE

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on H.R. 1871 and that I may include tabular and extraneous material.

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

There was no objection.

## 1997 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM NATURAL DISASTERS, AND FOR OVERSEAS PEACEKEEPING EFFORTS, INCLUDING THOSE IN BOSNIA

Mr. LIVINGSTON. Mr. Speaker, pursuant to the previous order of the House, I call up the bill—H.R. 1871—making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of H.R. 1871 is as follows:

H.R. 1871

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

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes, namely:

### TITLE I—EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE DEPARTMENT OF DEFENSE

### CHAPTER 1

### DEPARTMENT OF DEFENSE—MILITARY

### MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $306,800,000: *Provided,* That such amount is designated by Congress 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.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $7,900,000: *Provided,* That such amount is designated by Congress 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.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $300,000: *Provided,* That such amount is designated by Congress 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.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $29,100,000: *Provided,* That such amount is designated by Congress 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.

### OPERATION AND MAINTENANCE

OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Overseas Contingency Operations Transfer Fund'', $1,430,100,000: *Provided,* That the Secretary of Defense may transfer these funds only to Department of Defense operation and maintenance accounts: *Provided further,* That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: *Provided further,* That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: *Provided further,* That such amount is designated by Congress 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.

OPLAN 34A/35 P.O.W. PAYMENTS

For payments to individuals under section 657 of Public Law 104–201, $20,000,000, to remain available until expended.

### REVOLVING AND MANAGEMENT FUNDS

RESERVE MOBILIZATION INCOME INSURANCE FUND

For an additional amount for the ''Reserve Mobilization Income Insurance Fund'', $72,000,000, to remain available until expended: *Provided,* That the entire amount is designated by Congress 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.

### GENERAL PROVISIONS, CHAPTER 1

(TRANSFER OF FUNDS)

SEC. 101. The Secretary of the Navy shall transfer up to $23,000,000 to ''Operation and Maintenance, Marine Corps'' from the following accounts in the specified amounts, to be available only for reimbursing costs incurred for repairing damage caused by hurricanes, flooding, and other natural disasters during 1996 and 1997 to real property and facilities at Marine Corps facilities (including Camp Lejeune, North Carolina; Cherry Point, North Carolina; and the Mountain Warfare Training Center, Bridgeport, California);

''Military Personnel, Marine Corps'', $4,000,000;

''Operation and Maintenance, Marine Corps'', $11,000,000;

''Procurement of Ammunition, Navy and Marine Corps, 1996/1998'', $4,000,000; and

''Procurement, Marine Corps, 1996/1998'', $4,000,000.

SEC. 102. In addition to the amounts appropriated in title VI of the Department of Defense Appropriations Act, 1997 (as contained in section 101(b) of Public Law 104–208), under the heading ''Defense Health Program'', $21,000,000 is hereby appropriated and made available only for the provision of direct patient care at military treatment facilities.

SEC. 103. In addition to the amounts appropriated in title II of the Department of Defense Appropriations Act, 1997 (as contained in section 101(b) of Public Law 104–208), under the heading ''Operation and Maintenance, Defense-Wide'', $10,000,000 is hereby appropriated and made available only for force protection and counter-terrorism initiatives.

SEC. 104. In addition to the amounts provided in Public Law 104–208, $25,800,000 is appropriated under the heading ''Overseas Humanitarian, Disaster and Civic Aid'': *Provided,* That from the funds available under that heading, the Secretary of Defense shall make a grant in the amount of $25,800,000 to the American Red Cross for Armed Forces emergency services.

SEC. 105. REPORT ON COST AND SOURCE OF FUNDS FOR MILITARY ACTIVITIES RELATING TO BOSNIA.—(a) Not later than 60 days after enactment of this Act, the President shall submit to Congress the report described in subsection (b).

(b) REPORT ELEMENTS.—The report referred to in subsection (a) shall include the following:

(1) A detailed description of the estimated cumulative cost of all United States activities relating to Bosnia after December 1, 1995, including—

(A) the cost of all deployments, training activities, and mobilization and other preparatory activities of the Armed Forces; and

(B) the cost of all other activities relating to United States policy toward Bosnia, including humanitarian assistance, reconstruction assistance, aid and other financial assistance, the rescheduling or forgiveness of bilateral or multilateral aid, in-kind contributions, and any other activities of the United States Government.

(2) A detailed accounting of the source of funds obligated or expended to meet the costs described in paragraph (1), including—

(A) in the case of expenditures of funds of Department of Defense, a breakdown of such expenditures by military service or defense agency, line item, and program; and

(B) in the case of expenditures of funds of other departments and agencies of the United States, a breakdown of such expenditures by department or agency and by program.

SEC. 106. For an additional amount for ''Family Housing, Navy and Marine Corps'' to cover the incremental Operation and Maintenance costs arising from hurricane damage to family housing units at Marine Corps Base Camp Lejeune, North Carolina and Marine Corps Air Station Cherry Point, North Carolina, $6,480,000, as authorized by 10 U.S.C. 2854.

CHAPTER 2

RESCISSIONS

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $57,000,000 are rescinded.

MILITARY PERSONNEL, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $18,000,000 are rescinded.

MILITARY PERSONNEL, MARINE CORPS

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $5,000,000 are rescinded.

MILITARY PERSONNEL, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $23,000,000 are rescinded.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $196,000,000 are rescinded.

OPERATION AND MAINTENANCE, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $51,000,000 are rescinded.

OPERATION AND MAINTENANCE, MARINE CORPS

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $3,000,000 are rescinded.

OPERATION AND MAINTENANCE, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $117,000,000 are rescinded.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $25,000,000 are rescinded.

ENVIRONMENTAL RESTORATION, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $250,000 are rescinded.

ENVIRONMENTAL RESTORATION, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $250,000 are rescinded.

ENVIRONMENTAL RESTORATION, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $250,000 are rescinded.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $250,000 are rescinded.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $250,000 are rescinded.

FORMER SOVIET UNION THREAT REDUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $2,000,000 are rescinded.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $1,085,000 are rescinded.

Of the funds made available under this heading in Public Law 104–61, $5,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $13,000,000 are rescinded.

MISSILE PROCUREMENT, ARMY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $2,707,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $24,000,000 are rescinded.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $2,296,000 are rescinded.

Of the funds made available under this heading in Public Law 104–61, $15,400,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $5,000,000 are rescinded.

PROCUREMENT OF AMMUNITION, ARMY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $3,236,000 are rescinded.

Of the funds made available under this heading in Public Law 104–61, $18,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $11,000,000 are rescinded.

OTHER PROCUREMENT, ARMY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $2,502,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $21,000,000 are rescinded.

AIRCRAFT PROCUREMENT, NAVY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $34,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $52,000,000 are rescinded.

WEAPONS PROCUREMENT, NAVY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $16,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $6,000,000 are rescinded.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $812,000 are rescinded.

SHIPBUILDING AND CONVERSION, NAVY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 102–396, $10,000,000 are rescinded.

Of the funds made available under this heading in Public Law 103–139, $18,700,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $33,000,000 are rescinded.

OTHER PROCUREMENT, NAVY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $4,237,000 are rescinded.

Of the funds made available under this heading in Public Law 104–61, $3,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $8,000,000 are rescinded.

PROCUREMENT, MARINE CORPS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $1,207,000 are rescinded.

AIRCRAFT PROCUREMENT, AIR FORCE

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $49,376,000 are rescinded.

Of the funds made available under this heading in Public Law 104–61, $40,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $41,000,000 are rescinded.

MISSILE PROCUREMENT, AIR FORCE

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $16,020,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $163,000,000 are rescinded.

PROCUREMENT OF AMMUNITION, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 104–61, $7,700,000 are rescinded.

OTHER PROCUREMENT, AIR FORCE

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $3,659,000 are rescinded.

Of the funds made available under this heading in Public Law 104–61, $10,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $20,000,000 are rescinded.

PROCUREMENT, DEFENSE-WIDE

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $8,860,000 are rescinded.

Of the funds made available under this heading in Public Law 104–61, $16,113,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $5,000,000 are rescinded.

NATIONAL GUARD AND RESERVE EQUIPMENT

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $5,029,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $8,000,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 104–61, $4,366,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $18,000,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 104–61, $16,878,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $9,600,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

(RESCISSIONS)

Of the funds made available under this heading in Public Law 104–61, $24,245,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $172,000,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

(RESCISSIONS)

Of the funds made available under this heading in Public Law 104–61, $95,714,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $87,000,000 are rescinded.

DEVELOPMENTAL TEST AND EVALUATION, DEFENSE

(RESCISSION)

Of the funds made available under this heading in Public Law 104–61, $6,692,000 are rescinded.

OPERATIONAL TEST AND EVALUATION, DEFENSE

(RESCISSION)

Of the funds made available under this heading in Public Law 104–61, $160,000 are rescinded.

REVOLVING AND MANAGEMENT FUNDS

NATIONAL DEFENSE SEALIFT FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $25,200,000 are rescinded.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $21,000,000 are rescinded.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $456,000 are rescinded.

Of the funds made available under this heading in Public Law 104–61, $20,652,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $27,000,000 are rescinded.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $2,000,000 are rescinded.

GENERAL PROVISIONS, CHAPTER 2

(RESCISSIONS)

SEC. 201. Of the funds appropriated in the Military Construction Appropriations Act, 1996 (Public Law 104–32), amounts are hereby rescinded from the following accounts in the specified amounts:

''Military Construction, Air National Guard'', $5,000,000;

''Military Construction, Defense-wide'', $41,000,000;

''Base Realignment and Closure Account, Part II'', $35,391,000;

''Base Realignment and Closure Account, Part III'', $75,638,000; and

''Base Realignment and Closure Account, Part IV'', $22,971,000:

*Provided,* That of the funds appropriated in the Military Construction Appropriations Act, 1997 (Public Law 104–196), amounts are hereby rescinded from the following accounts in the specified amounts:

''Military Construction, Army'', $1,000,000;

''Military Construction, Navy'', $2,000,000;

''Military Construction, Air Force'', $3,000,000; and

''Military Construction, Defense-wide'', $3,000,000.

(RESCISSION)

SEC. 202. Of the funds appropriated for ''Military Construction, Navy'' under Public Law 103–307, $6,480,000 is hereby rescinded.

CHAPTER 3

GENERAL PROVISIONS—THIS TITLE

SEC. 301. The Department of Defense is directed to report to the congressional defense committees 30 days prior to transferring management, development, and acquisition authority over the elements of the National Missile Defense Program from the Military Services: *Provided,* That the Joint Requirements Oversight Council is directed to conduct an analysis and submit recommendations as to the recommended future roles of the Military Services with respect to development and deployment of the elements of the National Missile Defense Program: *Provided further,* That the analysis and recommendations shall be submitted to the congressional defense committees within 60 days of enactment of this Act: *Provided further,* That for 60 days following enactment of this Act, the Department of Defense shall take no actions to delay or defer planned activities under the National Missile Defense Program based solely on the conduct of the Joint Requirements Oversight Council analysis.

SEC. 302. Notwithstanding section 3612(a) of title 22, United States Code, the incumbent may continue to serve as the Secretary of Defense designee on the Board of the Panama Canal Commission if he retires as an officer of the Department of Defense, until and unless the Secretary of Defense designates another person to serve in this position.

SEC. 303. AUTHORITY OF SECRETARY OF DEFENSE TO ENTER INTO LEASE OF BUILDING NO. 1, LEXINGTON BLUE GRASS STATION, LEXINGTON, KENTUCKY.—

(a) AUTHORITY TO ENTER INTO LEASE.—The Secretary of Defense may enter into an agreement for the lease of Building No. 1, Lexington Blue Grass Station, Lexington, Kentucky, and any real property associated with the building, for purposes of the use of the building by the Defense Finance and Accounting Service. The agreement shall meet the requirements of this section.

(b) TERM.—(1) The agreement under this section shall provide for a lease term of not to exceed 50 years, but may provide for one or more options to renew or extend the term of the lease.

(2) The agreement shall include a provision specifying that, if the Secretary ceases to require the leased building for purpose of the use of the building by the Defense Finance and Accounting Service before the expiration of the term of the lease (including any extension or renewal of the term under an option provided for in paragraph (1)), the remainder of the lease term may, upon the approval of the lessor of the building, be satisfied by the Secretary or another department or agency of the Federal Government (including a military department) for another purpose similar to such purpose.

(c) CONSIDERATION.—(1) The agreement under this section may not require rental payments by the United States under the lease under the agreement.

(2) The Secretary or other lessee, if any, under subsection (b)(2) shall be responsible under the agreement for payment of any utilities associated with the lease of the building covered by the agreement and for maintenance and repair of the building.

(d) IMPROVEMENT.—The agreement under this section may provide for the improvement of the building covered by the agreement by the Secretary or other lessee, if any, under subsection (b)(2).

(e) LIMITATION ON CERTAIN ACTIVITIES.—The Secretary may not obligate or expend funds for the costs of any utilities, maintenance and repair, or improvements under this lease under this section in any fiscal year unless funds are appropriated or otherwise made available for the Department of Defense for such payment in such fiscal year.

SEC. 304. Notwithstanding 31 U.S.C. 1502(a), 31 U.S.C. 1552(a), and 31 U.S.C. 1553(a), funds appropriated in Public Law 101–511, Public Law 102–396, and Public Law 103–139, under the heading ''Weapons Procurement, Navy'', that were obligated and expended to settle claims on the MK–50 torpedo program may continue to be obligated and expended to settle those claims.

SEC. 305. None of the funds available to the Department of Defense in this or any other Act shall be available to pay the cost of operating a National Missile Defense Joint Program Office which includes more than 55 military and civilian personnel located in the National Capital Region.

SEC. 306. Funds obligated by the National Aeronautics and Space Administration (NASA) in the amount of $61,300,000 during

fiscal year 1996, pursuant to the ''Memorandum of Agreement between the National Aeronautics and Space Administration and the United States Air Force on Titan IV/Centaur Launch Support for the Cassini Mission,'' signed September 8, 1994, and September 23, 1994, and Attachments A, B, and C to that Memorandum, shall be merged with Air Force appropriations available for research, development, test and evaluation and procurement for fiscal year 1996, and shall be available for the same time period as the appropriation with which merged, and shall be available for obligation only for those Titan IV vehicles and Titan IV-related activities under contract.

SEC. 307. For the purposes of implementing the 1997 Defense Experimental Program to Stimulate Competitive Research (DEPSCoR), the term ''State'' means a State of the United States, the District of Columbia, Puerto Rico, Guam and the Virgin Islands of the United States, American Samoa and the Commonwealth of the Northern Mariana Islands.

TITLE II—EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR RECOVERY FROM NATURAL DISASTERS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for the ''Agricultural Credit Insurance Fund Program Account'' for the additional cost of direct and guaranteed loans authorized by 7 U.S.C. 1928–1929, including the cost of modifying such loans as defined in section 502 of the Congressional Budget Act of 1974, resulting from flooding and other natural disasters, $23,000,000, to remain available until expended, of which $18,000,000 shall be available for emergency insured loans and $5,000,000 shall be available for subsidized guaranteed operating loans: *Provided,* That the entire amount shall be available only to the extent that an official budget request for $23,000,000 that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further,* That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act.

For an additional amount for the ''Agricultural Credit Insurance Fund Program Account'' for the additional cost of direct operating loans authorized by 7 U.S.C. 1928–1929, including the cost of modifying such loans as defined in section 502 of the Congressional Budget Act of 1974, $6,300,000, to remain available until expended.

EMERGENCY CONSERVATION PROGRAM

For an additional amount for ''Emergency Conservation Program'' for expenses, including carcass removal, resulting from flooding and other natural disasters, $70,000,000, to remain available until expended: *Provided,* That the entire amount shall be available only to the extent that an official budget request for $70,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further,* That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act.

TREE ASSISTANCE PROGRAM

An amount of $9,000,000 is provided for assistance to small orchardists to replace or rehabilitate trees and vineyards damaged by natural disasters: *Provided,* That the entire amount shall be available only to the extent that an official budget request of $9,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further,* That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act.

COMMODITY CREDIT CORPORATION FUND

DISASTER RESERVE ASSISTANCE PROGRAM

Effective only for losses in the fiscal year beginning October 1, 1996, through the date of enactment of this Act, the Secretary may use up to $50,000,000 from proceeds earned from the sale of grain in the disaster reserve established in the Agricultural Act of 1970 to implement a livestock indemnity program for losses from natural disasters pursuant to a Presidential or Secretarial declaration requested prior to the date of enactment of this Act in a manner similar to catastrophic loss coverage available for other commodities under 7 U.S.C. 1508(b): *Provided,* That in administering a program described in the preceding sentence, the Secretary shall, to the extent practicable, utilize gross income and payment limitations conditions established for the Disaster Reserve Assistance Program for the 1996 crop year: *Provided further,* That notwithstanding any other provision of law, beginning on October 1, 1997, grain in the disaster reserve established in the Agricultural Act of 1970 shall not exceed 20 million bushels: *Provided further,* That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act.

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for ''Watershed and Flood Prevention Operations'' to repair damages to the waterways and watersheds, including debris removal that would not be authorized under the Emergency Watershed Program, resulting from flooding and other natural disasters, including those in prior years, $166,000,000, to remain available until expended: *Provided,* That the entire amount shall be available only to the extent an official budget request for $166,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act: *Provided further,* That if the Secretary determines that the cost of land and farm structures restoration exceeds the fair market value of an affected agricultural land, the Secretary may use sufficient amounts, not to exceed $15,000,000, from funds provided under this heading to accept bids from willing sellers to provide floodplain easements for such agricultural land inundated by floods: *Provided further,* That none of the funds provided under this heading shall be used for the salmon memorandum of understanding.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

RURAL HOUSING ASSISTANCE PROGRAM

Any unobligated balances remaining in the ''Rural Housing Insurance Fund Program Account'' from prior years' disaster supplementals shall be available until expended for Section 502 housing loans, Section 504 loans and grants, Section 515 loans, and domestic farm labor grants to meet emergency needs resulting from natural disasters: *Provided,* That such unobligated balances shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985 is transmitted by the President to the Congress: *Provided further,* That such unobligated balances are designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act: *Provided further,* That notwithstanding section 520 of the Housing Act of 1949, as amended, (42 U.S.C. 1490) the College Station area of Pulaski County, Arkansas shall be eligible for loans and grants available through the Rural Housing Service: *Provided further,* That funds made available in Public Law 104–180 for Community Facility Grants for the Rural Housing Assistance Program may be provided to any community otherwise eligible for a Community Facility Loan for expenses directly or indirectly resulting from flooding and other natural disasters.

RURAL UTILITIES SERVICE

RURAL UTILITIES ASSISTANCE PROGRAM

For an additional amount for ''Rural Utilities Assistance Program'', for the cost of direct loans, loan guarantees, and grants, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, for emergency expenses resulting from flooding and other natural disasters, $4,000,000, to remain available until September 30, 1998: *Provided,* That the entire amount shall be available only to the extent that an official budget request for $4,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further,* That the entire amount is designated by Congress 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.

FOOD AND CONSUMER SERVICE

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For an additional amount for the ''Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)'' as authorized by section 17 of the Child Nutrition Act of 1966, as amended (42 U.S.C. et seq.), $76,000,000, to remain available through September 30, 1998: *Provided,* That the Secretary shall allocate such funds through the existing formula or, notwithstanding sections 17(g), (h), or (i) of such Act and the regulations promulgated thereunder, such other means as the Secretary deems necessary.

GENERAL PROVISION, CHAPTER 1

**SEC. 1001. COLLECTION AND DISSEMINATION OF INFORMATION ON PRICES RECEIVED FOR BULK CHEESE.**

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of Agriculture shall collect and disseminate, on a weekly basis, statistically reliable information, obtained from cheese

manufacturing areas in the United States on prices received and terms of trade involving bulk cheese, including information on the national average price for bulk cheese sold through spot and forward contract transactions. To the maximum extent practicable, the Secretary shall report the prices and terms of trade for spot and forward contract transactions separately.

(b) CONFIDENTIALITY.—All information provided to, or acquired by, the Secretary under subsection (a) shall be kept confidential by each officer and employee of the Department of Agriculture except that general weekly statements may be issued that are based on the information and that do not identify the information provided by any person.

(c) REPORT.—Not later than 150 days after the date of enactment of this Act, the Secretary shall report to the Committee on Agriculture, and the Committee on Appropriations, of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Appropriations, of the Senate, on the rate of reporting compliance by cheese manufacturers with respect to the information collected under subsection (a). At the time of the report, the Secretary may submit legislative recommendations to improve the rate of reporting compliance.

(d) TERMINATION OF EFFECTIVENESS.—The authority provided by subsection (a) terminates effective April 5, 1999.

CHAPTER 2

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for ''Economic Development Assistance Programs'' for emergency infrastructure expenses and the capitalization of revolving loan funds related to recent flooding and other natural disasters, $52,200,000, to remain available until expended, of which not to exceed $2,000,000 may be available for administrative expenses and may be transferred to and merged with the appropriations for ''Salaries and Expenses'': *Provided,* That the entire amount is designated by Congress 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.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

INDUSTRIAL TECHNOLOGY SERVICES

Of the amount provided under this heading in Public Law 104–208 for the Advanced Technology Program, not to exceed $35,000,000 shall be available for the award of new grants.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

Within amounts available for ''Operations, Research, and Facilities'' for Satellite Observing Systems, not to exceed $7,000,000 is available until expended to provide disaster assistance related to recent flooding and red tide pursuant to section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act, and not to exceed $2,000,000 is available until expended to implement the Magnuson-Stevens Fishery Conservation and Management Act: *Provided,* That the entire amount shall be available only to the extent that an official budget request for $9,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act.

CONSTRUCTION

For an additional amount for ''Construction'' for emergency expenses resulting from flooding and other natural disasters, $10,800,000, to remain available until expended: *Provided,* That the entire amount is designated by Congress 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.

RELATED AGENCY

COMMISSION ON THE ADVANCEMENT OF FEDERAL LAW ENFORCEMENT

For an additional amount for the operations of the Commission on the Advancement of Federal Law Enforcement, $2,000,000, to remain available until expended.

GENERAL PROVISIONS, CHAPTER 2

SEC. 2001. Of the funds currently contained within the ''Counterterrorism Fund'' of the Department of Justice, $3,000,000 is provided for allocation by the Attorney General to the appropriate unit or units of government in Ogden, Utah, for necessary expenses, including enhancements and upgrade of security and communications infrastructure, to counter any potential terrorism threat related to the 2002 Winter Olympic games to be held in Utah.

SEC. 2002. EXPANDING SMALL BUSINESS PARTICIPATION IN DREDGING.—Section 722(a) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended by striking ''September 30, 1996'' and inserting ''September 30, 1997''.

SEC. 2003. Section 101 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371) is amended by adding at the end thereof the following:

''(d) GOOD SAMARITAN EXEMPTION.—It shall not be a violation of this Act to take a marine mammal if—

''(1) such taking is imminently necessary to avoid serious injury, additional injury, or death to a marine mammal entangled in fishing gear or debris;

''(2) reasonable care is taken to ensure the safe release of the marine mammal, taking into consideration the equipment, expertise, and conditions at hand;

''(3) reasonable care is exercised to prevent any further injury to the marine mammal; and

''(4) such taking is reported to the Secretary within 48 hours.''.

SEC. 2004. Notwithstanding any other provision of law, the Secretary of Commerce shall have the authority to reprogram or transfer up to $41,000,000 of the amounts provided under ''National Oceanic and Atmospheric Administration, Operations, Research, and Facilities'' for Satellite Observing Systems in Public Law 104–208 for other programmatic and operational requirements of the National Oceanic and Atmospheric Administration and the Department of Commerce subject to notification of the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1997 and which shall not be available for obligation or expenditure except in compliance with the procedure set forth in that section.

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For an additional amount for ''Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee'' for emergency expenses due to flooding and other natural disasters, $20,000,000, to remain available until expended: *Provided,* That the entire amount is designated by Congress 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.

OPERATION AND MAINTENANCE, GENERAL

For an additional amount for ''Operation and Maintenance, General'' for emergency expenses due to flooding and other natural disasters, $150,000,000, to remain available until expended: *Provided,* That of the total amount appropriated, the amount for eligible navigation projects which may be derived from the Harbor Maintenance Trust Fund pursuant to Public Law 99–662, shall be derived from that fund: *Provided further,* That of the total amount appropriated, $5,000,000 shall be available solely for the Secretary of the Army, acting through the Chief of Engineers, to pay the costs of the Corps of Engineers and other Federal agencies associated with the development of necessary studies, an interagency management plan, environmental documentation, continued monitoring, and other activities related to allocations of water in the Alabama-Coosa-Tallapoosa and Apalachicola-Chattahoochee-Flint River Basins: *Provided further,* That no portion of such $5,000,000 may be used by the Corps of Engineers to revise its master operational manuals or water control plans for operation of the reservoirs for the two river basins until (1) the interstate compacts for the two river basins are ratified by the Congress by law; and (2) the water allocation formulas for the two river basins have been agreed to by the States of Alabama, Georgia, and Florida and the Federal representative to the compacts: *Provided further,* That the preceding proviso shall not apply to the use of such funds for any environmental reviews necessary for the Federal representative to approve the water allocation formulas for the two river basins: *Provided further,* That the entire amount is designated by Congress 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.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for ''Flood Control and Coastal Emergencies'' due to flooding and other natural disasters, $415,000,000, to remain available until expended: *Provided,* That the entire amount is designated by Congress 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: *Provided further,* That with $5,000,000 of the funds appropriated herein, the Secretary of the Army is directed to initiate and complete preconstruction engineering and design and the associated Environmental Impact Statement for an emergency outlet from Devils Lake, North Dakota, to the Sheyenne River: *Provided further,* That of the funds appropriated under this paragraph, $5,000,000 shall be used for the project consisting of channel restoration and improvements on the James River authorized by section 401(b) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4128) if the Secretary of the Army determines that the need for such restoration and improvements constitutes an emergency.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

OPERATION AND MAINTENANCE

For an additional amount for ''Operation and Maintenance'', $7,355,000, to remain

available until expended, to repair damage caused by floods and other natural disasters: *Provided,* That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund shall be derived from that fund: *Provided further,* That the entire amount is designated by Congress 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.

GENERAL PROVISIONS, CHAPTER 3

SEC. 3001. (a) Beginning in fiscal year 1997 and thereafter, the United States members and the alternate members appointed under the Susquehanna River Basin Compact (Public Law 91–575), and the Delaware River Basin Compact (Public Law 87–328), shall be officers of the U.S. Army Corps of Engineers, who hold Presidential appointments as Regular Army officers with Senate confirmation, and who shall serve without additional compensation.

(b) Section 2, Reservations, Paragraph (u) of Public Law 91–575 (84 Stat. 1509) and section 15.1, Reservations, Paragraph (d) of Public Law 87–328 (75 Stat. 688, 691) are hereby repealed.

(c) Section 2.2 of Public Law 87–328 (75 Stat. 688, 691) is amended by striking the words ''during the term of office of the President'' and inserting the words ''at the pleasure of the President''.

SEC. 3002. Notwithstanding section 5 of the Reclamation Safety of Dams Act of 1978, Public Law 95–578, as amended, the Secretary of the Interior is authorized to obligate up to $1,200,000 for carrying out actual construction for safety of dam purposes to modify the Willow Creek Dam, Sun River Project, Montana.

SEC. 3003. (a) CONSULTATION AND CONFERENCING.—As provided by regulations issued under the Endangered Species Act (16 U.S.C. 1531 et seq.) for emergency situations, formal consultation or conferencing under section 7(a)(2) or section 7(a)(4) of the Act for any action authorized, funded or carried out by any Federal agency to repair a Federal or non-Federal flood control project, facility or structure may be deferred by the Federal agency authorizing, funding or carrying out the action, if the agency determines that the repair is needed to respond to an emergency causing an imminent threat to human lives and property in 1996 or 1997. Formal consultation or conferencing shall be deferred until the imminent threat to human lives and property has been abated. For purposes of this section, the term repair shall include preventive and remedial measures to restore the project, facility or structure to remove an imminent threat to human lives and property.

(b) REASONABLE AND PRUDENT MEASURES.—Any reasonable and prudent measures specified under section 7 of the Endangered Species Act (16 U.S.C. 1536) to minimize the impact of an action taken under this section shall be related both in nature and extent to the effect of the action taken to repair the flood control project, facility or structure.

CHAPTER 4

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

ASSISTANCE TO UKRAINE

SEC. 4001. The President may waive the minimum funding requirements contained in subsection (k) under the heading ''Assistance for the New Independent States of the Former Soviet Union'' contained in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as included in Public Law 104–208, for activities for the government of Ukraine funded in that subsection, if he determines and so reports to the Committees on Appropriations that the government of Ukraine:

(1) has not made progress toward implementation of comprehensive economic reform;

(2) is not taking steps to ensure that United States businesses and individuals are able to operate according to generally accepted business principles; or

(3) is not taking steps to cease the illegal dumping of steel plate.

CHAPTER 5

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Construction'' to repair damage caused by floods and other natural disasters, $4,796,000, to remain available until expended, of which $4,403,000 is to be derived by transfer from unobligated balances of funds under the heading, ''Oregon and California Grant Lands'', made available as supplemental appropriations in Public Law 104–134: *Provided,* That the entire amount is designated by Congress 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.

OREGON AND CALIFORNIA GRANT LANDS

For an additional amount for ''Oregon and California Grant Lands'' to repair damage caused by floods and other natural disasters, $2,694,000, to remain available until expended and to be derived from unobligated balances of funds under the heading, ''Oregon and California Grant Lands'', made available as supplemental appropriations in Public Law 104–134: *Provided,* That the entire amount is designated by Congress 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.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for ''Resource Management'', $5,300,000, to remain available until expended, for technical assistance and fish replacement made necessary by floods and other natural disasters, for restoration of public lands damaged by fire, and for payments to private landowners for the voluntary use of private land to store water in restored wetlands: *Provided,* That the entire amount is designated by Congress 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.

CONSTRUCTION

For an additional amount for ''Construction'', $88,000,000, to remain available until expended, to repair damage caused by floods and other natural disasters: *Provided,* That the entire amount is designated by Congress 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.

LAND ACQUISITION

For an additional amount for ''Land Acquisition'', $10,000,000, to remain available until expended, for the cost-effective emergency acquisition of land and water rights necessitated by floods and other natural disasters: *Provided,* That the entire amount is designated by Congress 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.

NATIONAL PARK SERVICE

CONSTRUCTION

For an additional amount for ''Construction'' for emergency expenses resulting from flooding and other natural disasters, $187,321,000, to remain available until expended: *Provided,* That the entire amount is designated by Congress 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: *Provided further,* That of this amount, $30,000,000 shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in such Act, is transmitted by the President to Congress, and upon certification by the Secretary of the Interior to the President that a specific amount of such funds is required for (1) repair or replacement of concession use facilities at Yosemite National Park if the Secretary determines, after consulting with the Director of the Office of Management and Budget, that the repair or replacement of those facilities cannot be postponed until completion of an agreement with the Yosemite Concessions Services Corporation or any responsible third party to satisfy its repair or replacement obligations for the facilities, or (2) the Federal portion, if any, of the costs of repair or replacement of such concession use facilities: *Provided further,* That nothing herein should be construed as impairing in any way the rights of the United States against the Yosemite Concession Services Corporation or any other party or as relieving the Corporation or any other party of its obligations to the United States: *Provided further,* That prior to any final agreement by the Secretary with the Corporation or any other party concerning its obligation to repair or replace concession use facilities, the Solicitor of the Department of the Interior shall certify that the agreement fully satisfies the obligations of the Corporation or third party: *Provided further,* That nothing herein, or any payments, repairs, or replacements made by the Corporation or a third party in fulfillment of the Corporation's obligations to the United States to repair and replace damaged facilities, shall create any possessory interest for the Corporation or such third party in such repaired or replaced facilities: *Provided further,* That any payments made to the United States by the Corporation or a third party for repair or replacement of concession use facilities shall be deposited in the General Fund of the Treasury or, where facilities are repaired or replaced by the Corporation or any other third party, an equal amount of appropriations for ''Construction'' shall be rescinded.

For an additional amount for ''Construction'', $10,000,000, to remain available until expended, to make repairs, construct facilities, and provide visitor transportation and for related purposes at Yosemite National Park.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for ''Surveys, Investigations, and Research'', $4,650,000, to remain available until September 30, 1998, to repair or replace damaged equipment and facilities caused by floods and other natural disasters: *Provided,* That the entire amount is designated by Congress 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.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For an additional amount for ''Operation of Indian Programs'', $14,317,000, to remain available until September 30, 1998, for emergency response activities, including emergency school operations, heating costs,

emergency welfare assistance, and to repair and replace facilities and resources damaged by snow, floods, and other natural disasters: *Provided,* That the entire amount is designated by Congress 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.

CONSTRUCTION

For an additional amount for ''Construction'', $6,249,000, to remain available until expended, to repair damages caused by floods and other natural disasters: *Provided,* That the entire amount is designated by Congress 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: *Provided further,* That notwithstanding any other provision of law, funds appropriated herein and in Public Law 104–208 to the Bureau of Indian Affairs for repair of the Wapato irrigation project shall be made available on a nonreimbursable basis.

RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FOREST SYSTEM

For an additional amount for ''National Forest System'' for emergency expenses resulting from flooding and other natural disasters, $39,677,000, to remain available until expended: *Provided,* That the entire amount is designated by Congress 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.

RECONSTRUCTION AND CONSTRUCTION

For an additional amount for ''Reconstruction and Construction'' for emergency expenses resulting from flooding and other natural disasters, $27,685,000, to remain available until expended: *Provided,* That the entire amount is designated by Congress 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.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For an additional amount for ''Indian Health Services'' for emergency expenses resulting from flooding and other natural disasters, $1,000,000, to remain available until expended: *Provided,* That the entire amount is designated by Congress 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.

INDIAN HEALTH FACILITIES

For an additional amount for ''Indian Health Facilities'' for emergency expenses resulting from flooding and other natural disasters, $2,000,000, to remain available until expended: *Provided,* That the entire amount is designated by Congress 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.

GENERAL PROVISIONS, CHAPTER 5

SEC. 5001. Section 101(c) of Public Law 104–134 is amended as follows: Under the heading ''Title III—General Provisions'' amend sections 315(c)(1)(A) and 315(c)(1)(B) by striking in each of those sections ''104%'' and inserting in lieu thereof ''100%''; by striking in each of those sections ''1995'' and inserting in lieu thereof ''1994''; and by striking in each of those sections ''and thereafter annually adjusted upward by 4%,''.

SEC. 5002. Section 101(d) of Public Law 104–208 is amended as follows: Under the heading ''Administrative Provisions, Indian Health Service'' strike the seventh proviso and insert the following in lieu thereof: '': *Provided further,* That with respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment, and the reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self Determination Act, may be credited to the same or subsequent appropriation account which provided the funding, said amounts to remain available until expended''.

SEC. 5003. (a) EXTENSION AND EFFECTIVE DATE.—Section 3711(b)(1) of the San Carlos Apache Tribe Water Rights Settlement Act of 1992 (106 Stat. 4752) is amended by striking ''June 30, 1997'' and inserting ''March 31, 1999''.

(b) EXTENSION FOR RIVER SYSTEM GENERAL ADJUDICATION.—Section 3711 of such Act is amended by adding at the end the following new subsection:

''(c) EXTENSION FOR RIVER SYSTEM GENERAL ADJUDICATION.—If, at any time prior to March 31, 1999, the Secretary notifies the Committee on Indian Affairs of the United States Senate or the Committee on Resources in the United States House of Representatives that the Settlement Agreement, as executed by the Secretary, has been submitted to the Superior Court of the State of Arizona in and for Maricopa County for consideration and approval as part of the General Adjudication of the Gila River System and Source, the March 31, 1999, referred to in subsection (b)(1) shall be deemed to be changed to December 31, 1999.''.

(c) COUNTIES.—Section 3706(b)(3) of such Act is amended by inserting ''Gila, Graham, Greenlee,'' after ''Maricopa,''.

(d) PARTIES TO AGREEMENT.—Section 3703(2) of such Act is amended by adding at the end the following new sentence: ''The Gila Valley Irrigation District and the Franklin Irrigation District shall be added as parties to the Agreement, but only so long as none of the aforementioned parties objects to adding the Gila Valley Irrigation and/or the Franklin Irrigation District as parties to the Agreement.''.

(e) DEFINITIONS.—Section 3703 of such Act is amended by adding the following new paragraphs:

''(12) 'Morenci mine complex' means the lands owned or leased by Phelps Dodge Corporation, now or in the future, delineated in a map as 'Phelps Dodge Mining, Mineral Processing, and Auxiliary Facilities Water Use Area', which map is dated March 19, 1996, and is on file with the Secretary of the Interior.

''(13) 'Upper Eagle Creek Wellfield' means that area in Greenlee County which is bounded by the eastern boundary of Graham County on the west, the southern boundary of the Black River watershed on the north, a line running north and south 5 miles east of the eastern boundary of Graham County on the east, and the southern boundary of the natural drainage of Cottonwood Canyon on the south.''.

(f) BLACK RIVER FACILITIES.—Section 3711 of such Act, as amended by subsection (b) of this Act, is further amended by adding at the end the following:

''(d) BLACK RIVER FACILITIES.—

''(1) IN GENERAL.—The provisions and agreements set forth or referred to in paragraphs (2), (3), and (4) below shall be enforceable against the United States in United States district court, and the immunity of the United States for such purposes and for no other purpose is hereby waived. The provisions and agreements set forth or referred to in paragraphs (2)(A), (3), and (4) below shall be enforceable against the Tribe in United States district court, and the immunity of the Tribe for such purposes and for no other purpose, is hereby waived. The specific agreements made by the Tribe and set forth in paragraph (5) shall be enforceable against the Tribe in United States district court, and the immunity of the Tribe is hereby waived as to such specific agreements and for no other purpose.

''(2) INTERIM PERIOD.—

''(A) As of July 23, 1997, Phelps Dodge shall vacate the reservation and no longer rely upon permit #2000089, dated July 25, 1944. On such date the United States, through the Bureau of Reclamation, shall enter, operate, and maintain the Black River pump station, outbuildings, the pipeline, related facilities, and certain caretaker quarters (hereinafter referred to collectively as the 'Black River facilities').

''(B) The United States and Phelps Dodge shall enter into a contract for delivery of water pursuant to subparagraph (C), below. Water for delivery to Phelps Dodge from the Black River shall not exceed an annual average of 40 acre feet per day, or 14,000 acre feet per year. All diversions from Black River to Phelps Dodge shall be junior to the diversion and use of up to 7,300 acre feet per year by the San Carlos Apache Tribe, and no such diversion for Phelps Dodge shall cause the flow of Black River to fall below 20 cubic feet per second. The United States shall account for the costs for operating and maintaining the Black River facilities, and Phelps Dodge shall reimburse the United States for such costs. Phelps Dodge shall pay to the United States, for delivery to the Tribe, the sum of $20,000 per month, with an annual CPI adjustment from July 23, 1997, for purposes of compensating the Tribe for United States use and occupancy of the Black River facilities. Phelps Dodge and the Tribe shall cooperate with the United States in effectuating an orderly transfer of the operations of the Black River facilities from Phelps Dodge to the United States.

''(C) Notwithstanding any other provision of law, the contract referred to in subparagraph (B) between the United States and Phelps Dodge which provides for the diversion of water from the Black River into the Black River facilities, and the delivery of such water to Phelps Dodge at that location where the channel of Eagle Creek last exits the reservation for use in the Morenci mine complex and the towns of Clifton and Morenci and at no other location, is ratified and confirmed.

''(D) The power line right-of-way over the Tribe's Reservation which currently is held by Phelps Dodge shall remain in place. During the interim period, Phelps Dodge shall provide power to the United States for operation of the pump station and related facilities without charge, and Phelps Dodge shall pay a monthly right-of-way fee to the Tribe of $5,000 per month, with an annual CPI adjustment from July 23, 1997.

''(E) Any questions regarding the water claims associated with Phelps Dodge's use of the Upper Eagle Creek Wellfield, its diversions of surface water from Eagle Creek, the San Francisco River, Chase Creek, and/or its use of other water supplies are not addressed in this title. No provision in this subsection shall affect or be construed to affect any claims by the Tribe, the United States, or Phelps Dodge to groundwater or surface water.

''(3) FINAL ARRANGEMENTS AND TERMS.—The interim period described in paragraph (2) shall extend until all conditions set forth in

paragraph (3)(B) have been satisfied. At such time, the following final arrangements shall apply, based on the terms set forth below. Such terms shall bind the Tribe, the United States, and Phelps Dodge, and shall be enforceable pursuant to subsection (d)(1) of this Act.

''(A) The United States shall hold the Black River facilities in trust for the Tribe, without cost to the Tribe or the United States.

''(B) Responsibility for operation of the Black River facilities shall be transferred from the United States to the Tribe. The United States shall train Tribal members during the interim period, and the responsibility to operate the Black River facilities shall be transferred upon satisfaction of 2 conditions—

''(i) a finding by the United States that the Tribe has completed necessary training and is qualified to operate the Black River facilities; and

''(ii) execution of the contract described in paragraph (3)(E), which contract shall be executed on or before December 31, 1998. In the event that the contract is not executed by December 31, 1998, the transfer described in this subsection shall occur on December 31, 1998 (so long as condition (i) of this subparagraph has been satisfied), based on application of the contract terms described in paragraph (3)(E), which terms shall be enforceable under this Act. Upon the approval of the Secretary, the Tribe may contract with third parties to operate the Black River facilities.

''(C) Power lines currently operated by Phelps Dodge on the Tribe's Reservation, and the right-of-way associated with such power lines, shall be surrendered by Phelps Dodge to the Tribe, without cost to the Tribe. Prior to the surrender of the power lines, the Bureau of Reclamation shall arrange for an inspection of the power lines and associated facilities by a qualified third party and shall obtain a certification that such power lines and facilities are of sound design and are in good working order. Phelps Dodge shall pay for the cost of such inspection and certification. Concurrently with the surrender of the power lines and the right-of-way, Phelps Dodge shall construct a switch station at the boundary of the Reservation at which the Tribe may switch power on or off and shall deliver ownership and control of such switch station to the Tribe. Subsequent to the transfer of the power lines and the right-of-way and the delivery of ownership and control of the switch station to the Tribe, Phelps Dodge shall have no further obligation or liability of any nature with respect to the ownership, operation, or maintenance of the power lines, the right-of-way, or the switch station.

''(D) The Tribe and the United States will enter into an exchange agreement with the Salt River Project which will deliver CAP water controlled by the Tribe to the Salt River Project in return for the diversion of water from the Black River into the Black River facilities. The exchange agreement shall be subject to review and approval by Phelps Dodge, which approval shall not be unreasonably withheld. Notwithstanding any other provision of law, the contract referred to in this subparagraph is ratified and confirmed.

''(E) The Tribe, the United States, and Phelps Dodge will execute a contract covering the lease and delivery of CAP water from the Tribe to Phelps Dodge on the following terms:

''(i) The Tribe will lease to Phelps Dodge 14,000 acre feet of CAP water per year as of the date on which the interim period referred to in paragraph (2) expires. The lease shall be subject to the terms and conditions identified in the Tribal CAP Delivery Contract referenced in section 3706(b). The leased CAP water shall be delivered to Phelps Dodge from the Black River pursuant to the exchange referred to in subparagraph (D) above, based on diversions from the Black River that shall not exceed an annual average of 40 acre feet per day and shall not cause the flow of Black River to fall below 20 cubic feet per second. Such CAP water shall be delivered to Phelps Dodge at that location where the channel of Eagle Creek last exits the Reservation, to be utilized in the Morenci mine complex and the towns of Clifton and Morenci, and at no other location.

''(ii) The leased CAP water shall be junior to the diversion and use of up to 7,300 acre feet per year from the Black and Salt Rivers by the San Carlos Apache Tribe.

''(iii) The lease will be for a term of 50 years or, if earlier, the date upon which mining activities at the Morenci mine complex cease, with a right to renew for an additional 50 years upon a finding by the Secretary that the water is needed for continued mining activities at the Morenci mine complex. The lease shall have the following financial terms:

''(I) The Tribe will lease CAP water at a cost of $1,200 per acre foot. Phelps Dodge shall pay to the United States, on behalf of the Tribe, the sum of $5,000,000 upon the earlier of the execution of the agreement, or upon the expiration of the interim period referred to in paragraph (2) hereof, which amount shall be a prepayment for and applicable to the first 4,166 acre feet of CAP water to be delivered in each year during the term of the lease.

''(II) Phelps Dodge shall pay the United States, on behalf of the Tribe, the sum of $65 per acre foot per year, with an annual CPI adjustment for the remaining 9,834 acre feet of water to be delivered pursuant to the lease each year. Such payments shall be made in advance on January 1 of each year, with a reconciliation made at year-end, if necessary, in the event that less than 14,000 acre feet of CAP water is diverted from the Black River due to shortages in the CAP system or on the Black River.

''(III) Phelps Dodge shall pay in advance each month the Tribe's reasonable costs associated with the Tribe's operation, maintenance, and replacement of the Black River facilities for purposes of delivering water to Phelps Dodge pursuant to the lease, which costs shall be based upon the experience of the Bureau of Reclamation in operating the Black River facilities during the interim period referred to in paragraph (2), subject to an annual CPI adjustment, and providing for a credit for power provided by Phelps Dodge to the Tribe. In addition, Phelps Dodge shall pay a monthly fee of $30,000 to the United States, on behalf of the Tribe, to account for the use of the Tribe's distribution system.

''(IV) Phelps Dodge shall pay the United States operation, maintenance, and replacement charges associated with the leased CAP water and such reasonable interconnection charges as may be imposed by Salt River Project in connection with the exchange referred to in subparagraph (D) above.

''(iv) Notwithstanding the provisions of section 3707(b), any moneys, except Black River facilities OM&R, CAP OM&R and any charges associated with an exchange agreement with Salt River Project, paid to the United States on behalf of the Tribe from the lease referred to under paragraph (3)(D)(iii) shall be held in trust by the United States for the benefit of the Tribe. There is hereby established in the Treasury of the United States a fund to be known as the 'San Carlos Apache Tribe Lease Fund' for such purpose. Interest accruing to the Fund may be used by the Tribe for economic and community development purposes upon presentation to the Secretary of a certified copy of a duly enacted resolution of the Tribal Council requesting distribution and a written budget approved by the Tribal Council. Such income may thereafter be expended only in accordance with such budget. Income not distributed shall be added to principal. The United States shall not be liable for any claim or causes of action arising from the Tribe's use or expenditure of moneys distributed from the Fund.

''(v) The lease is not assignable to any third party, except with the consent of the Tribe and Phelps Dodge, and with the approval of the Secretary.

''(vi) Notwithstanding subsection (b) hereof, section 3706 shall be fully effective immediately with respect to the CAP water lease provided for in this subparagraph and the Secretary shall take all actions authorized by section 3706 necessary for purposes of implementing this subparagraph. Notwithstanding any other provision of law, the contract referred to in this subparagraph is ratified and confirmed and shall be enforceable in United States district court. In the event that no lease authorized by this subparagraph is executed, this subparagraph, notwithstanding any other provision of law, shall be enforceable as a lease among the Tribe, the United States, and Phelps Dodge in the United States district court, and the Secretary shall take all action authorized by section 3706 for purposes of implementing this subparagraph in such an event.

''(F) Any questions regarding the water claims associated with Phelps Dodge's use of the Eagle Creek Wellfield, its diversions of surface water from lower Eagle Creek, the San Francisco River, Chase Creek, and/or its use of other water supplies are not addressed by this title. No provision in this subsection shall affect or be construed to affect any claims by the Tribe, the United States, or Phelps Dodge to groundwater or surface water.

''(4) EAGLE CREEK.—From the effective date of this subsection, and during the Interim Period, the Tribe shall not, in any way, impede, restrict, or sue the United States regarding the passage of water from the Black River facilities into those portions of the channels of Willow Creek and Eagle Creek which flow through the Reservation. Phelps Dodge agrees to limit pumping from the Upper Eagle Creek Wellfield so that the combination of water from the Black River facilities and water pumped from the Upper Eagle Creek Wellfield does not exceed 22,000 acre feet per year of delivered water at the Phelps Dodge Lower Eagle Creek Pump Station below the Reservation. In calculating the pumping rates allowed under this subparagraph, transmission losses from Black River and the Upper Eagle Creek Wellfield shall be estimated, but in no event shall such transmission losses be more than 10 percent of the Black River or Upper Eagle Creek Wellfield water. Based on this agreement, the Tribe shall not, in any way, impede, restrict, or sue Phelps Dodge regarding the passage of water from the Phelps Dodge Upper Eagle Creek Wellfield, except that—

''(A) Phelps Dodge shall pay to the United States, on behalf of the Tribe, $5,000 per month, with an annual CPI adjustment from July 23, 1997, to account for the passage of such flows; and

''(B) the Tribe and the United States reserve the right to challenge Phelps Dodge's claims regarding the pumping of groundwater from the Upper Eagle Creek Wellfield, in accordance with paragraphs (2)(E) and (3)(F) above. In the event that a court determines that Phelps Dodge does not have the right to pump the Upper Eagle Creek Wellfield, the Tribe will no longer be subject

to the restriction set forth in this subparagraph regarding the passage of water from the Wellfield through the Reservation. Nothing in this subsection shall affect the rights, if any, that Phelps Dodge might claim regarding the flow of water in the channel of Eagle Creek in the absence of this subsection.

''(5) PAST CLAIMS.—The Act does not address claims relating to Phelps Dodge's prior occupancy and operation of the Black River facilities. The Tribe agrees not to bring any such claims against the United States. The Tribe also agrees that within 30 days after Phelps Dodge has vacated the Reservation, it shall dismiss with prejudice the suit that it has filed in Tribal Court against Phelps Dodge (The San Carlos Apache Tribe v. Phelps Dodge, et al., Case No. C–97–118), which such dismissal shall not be considered a decision on the merits, and any claims that it might assert against Phelps Dodge in connection with Phelps Dodge's prior occupancy and operation of the Black River facilities shall be brought exclusively in the United States district court.

''(6) RELATIONSHIP TO SETTLEMENT.—

''(A) The term 'Agreement', as defined by section 3703(2), shall not include Phelps Dodge.

''(B) Section 3706(j) and section 3705(f) shall be repealed and shall have no effect.

''(7) RATIFICATION OF SETTLEMENT.—The agreement between the San Carlos Apache Tribe, the Phelps Dodge Corporation, and the Secretary of the Interior, as set forth in this subsection, is hereby ratified and approved.''.

(g) TECHNICAL AMENDMENT.—Section 3702(a)(3) is amended by striking ''qualification'' and inserting ''quantification''.

SEC. 5004. Paragraph (5) of section 104(c) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1374(c)(5)) is amended as follows:

(1) In subparagraph (A), by striking '', including polar bears taken but not imported prior to the date of enactment of the Marine Mammal Protection Act Amendments of 1994,''.

(2) By adding the following new subparagraph at the end thereof:

''(D) The Secretary of the Interior shall, expeditiously after the expiration of the applicable 30 day period under subsection (d)(2), issue a permit for the importation of polar bear parts (other than internal organs) from polar bears taken in sport hunts in Canada before the date of enactment of the Marine Mammal Protection Act Amendments of 1994, to each applicant who submits, with the permit application, proof that the polar bear was legally harvested in Canada by the applicant. The Secretary shall issue such permits without regard to the provisions of subparagraphs (A) and (C)(ii) of this paragraph, subsection (d)(3) of this section, and sections 101 and 102. This subparagraph shall not apply to polar bear parts that were imported before the effective date of this subparagraph.''.

## CHAPTER 6

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### HEALTH RESOURCES AND SERVICES ADMINISTRATION

#### HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

Public Law 104–208, under the heading ''Health Education Assistance Loans Program'' is amended by inserting after ''$140,000,000'' the following: '': *Provided further,* That the Secretary may use up to $499,000 derived by transfer from insurance premiums collected from guaranteed loans made under title VII of the Public Health Service Act for the purpose of carrying out section 709 of that Act''.

### ADMINISTRATION FOR CHILDREN AND FAMILIES

#### CHILDREN AND FAMILIES SERVICES PROGRAMS

Public Law 104–208, under the heading titled ''Children and Families Services Programs'' is amended by inserting after the reference to ''part B(1) of title IV'' the following: ''and section 1110''.

### OFFICE OF THE SECRETARY

#### PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For expenses necessary to support high priority health research, $15,000,000, to remain available until expended: *Provided,* That the Secretary shall award such funds on a competitive basis.

## DEPARTMENT OF EDUCATION

### EDUCATION FOR THE DISADVANTAGED

For additional amounts to carry out subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965, $101,133,000, of which $78,362,000 shall be for Basic Grants and $22,771,000 shall be for Concentration Grants, which shall be allocated, notwithstanding any other provision of law, only to those States, and counties within those States, that will receive, from funds available under the Department of Education Appropriations Act, 1997, smaller allocations for Grants to Local Educational Agencies than they would have received had those allocations been calculated entirely on the basis of child poverty counts from the 1990 census: *Provided,* That the Secretary of Education shall use these additional funds to provide those States with 50 percent of the difference between the allocations they would have received had the allocations under that Appropriations Act been calculated entirely on the basis of the 1990 census data and the allocations under the 1997 Appropriations Act: *Provided further,* That if any State's total allocation under that Appropriations Act and this paragraph is less than its 1996 allocation for that subpart, that State shall receive, under this paragraph, the amount the State would have received had that allocation been calculated entirely on the basis of child poverty counts from the 1990 census: *Provided further,* That the Secretary shall ratably reduce the allocations to States under the preceding proviso for either Basic Grants or Concentration Grants, or both, as the case may be, if the funds available are insufficient to make those allocations in full: *Provided further,* That the Secretary shall allocate, to such counties in each such State, additional amounts for Basic Grants and Concentration Grants that are in the same proportion, respectively, to the total amounts allocated to the State, as the differences between such counties' initial allocations for Basic Grants and Concentration Grants, respectively (compared to what they would have received had the initial allocations been calculated entirely on the basis of 1990 census data), are to the differences between the State's initial allocations for Basic Grants and Concentration Grants, respectively (compared to the amounts the State would have received had the initial allocations been calculated entirely on the basis of 1990 census data): *Provided further,* That the funds appropriated under this paragraph shall become available on July 1, 1997 and shall remain available through September 30, 1998: *Provided further,* That the additional amounts appropriated under this paragraph shall not be taken into account in determining State allocations under any other program administered by the Secretary.

## RELATED AGENCY

### NATIONAL COMMISSION ON THE COST OF HIGHER EDUCATION

#### SALARIES AND EXPENSES

For necessary expenses for the National Commission on the Cost of Higher Education, $650,000, to remain available until expended.

## GENERAL PROVISIONS, CHAPTER 6

SEC. 6001. Notwithstanding any other provision of law, fiscal year 1995 funds awarded under State-administered programs of the Department of Education and funds awarded for fiscal year 1996 for State-administered programs under the Rehabilitation Act of the Department of Education to recipients in Presidentially declared disaster areas, which were declared as such during fiscal year 1997, are available to those recipients for obligation until September 30, 1998: *Provided,* That for the purposes of assisting those recipients, the Secretary's waiver authority under section 14401 of the Elementary and Secondary Education Act of 1965 shall be extended to all State-administered programs of the Department of Education. This special waiver authority applies only to funds awarded for fiscal years 1995, 1996, and 1997.

SEC. 6002. Notwithstanding any other provision of law, the Secretary of Education may waive or modify any statutory or regulatory provision applicable to the student financial aid programs under title IV of the Higher Education Act that the Secretary deems necessary to assist individuals and other program participants who suffered financial harm from natural disasters and who, at the time the disaster struck were operating, residing at, or attending an institution of higher education, or employed within these areas on the date which the President declared the existence of a major disaster (or, in the case of an individual who is a dependent student, whose parent or stepparent suffered financial harm from such disaster, and who resided, or was employed in such an area at that time): *Provided further,* That such authority shall be in effect only for awards for award years 1996–1997 and 1997–1998.

SEC. 6003. None of the funds provided in this Act or in any other Act making appropriations for fiscal year 1997 may be used to administer or implement in Denver, Colorado, the Medicare Competitive Pricing/Open Enrollment Demonstration, as titled in the April 1, 1997, Final Request for Proposals (RFP).

**SEC. 6004. EMERGENCY USE OF CHILD CARE FUNDS.**

(a) IN GENERAL.—Notwithstanding any other provision of law, during the period beginning on April 30, 1997, and ending on July 30, 1997, the Governors of the States described in paragraph (1) of subsection (b) may, subject to subsection (c), use amounts received for the provision of child care assistance or services under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9801 et seq.) to provide emergency child care services to individuals described in paragraph (2) of subsection (b).

(b) ELIGIBILITY.—

(1) OF STATES.—A State described in this paragraph is a State in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121), has determined that a major disaster exists, or that an area within the State is determined to be eligible for disaster relief under other Federal law by reason of damage related to flooding in 1997.

(2) OF INDIVIDUALS.—An individual described in this subsection is an individual who—

(A) resides within any area in which the President, pursuant to section 401 of the

Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121), has determined that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to flooding in 1997; and

(B) is involved in unpaid work activities (including the cleaning, repair, restoration, and rebuilding of homes, businesses, and schools) resulting from the flood emergency described in subparagraph (A).

(c) LIMITATIONS.—

(1) REQUIREMENTS.—With respect to assistance provided to individuals under this section, the quality, certification and licensure, health and safety, nondiscrimination, and other requirements applicable under the Federal programs referred to in subsection (a) shall apply to child care provided or obtained under this section.

(2) AMOUNT OF FUNDS.—The total amount utilized by each of the States under subsection (a) during the period referred to in such subsection shall not exceed the total amount of such assistance that, notwithstanding the enactment of this section, would otherwise have been expended by each such State in the affected region during such period.

(d) PRIORITY.—In making assistance available under this section, the Governors described in subsection (a) shall give priority to eligible individuals who do not have access to income, assets, or resources as a direct result of the flooding referred to in subsection (b)(2)(A).

EXTENSION OF SSI REDETERMINATION PROVISIONS

SEC. 6005. (a) Section 402(a)(2)(D)(i) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)(D)(i)) is amended—

(1) in subclause (I), by striking ''the date which is 1 year after such date of enactment,'' and inserting ''September 30, 1997,''; and

(2) in subclause (III), by striking ''the date of the redetermination with respect to such individual'' and inserting ''September 30, 1997,''.

(b) The amendment made by subsection (a) shall be effective as if included in the enactment of section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

CHAPTER 7

CONGRESSIONAL OPERATIONS

SENATE

CONTINGENT EXPENSES OF THE SENATE

SECRETARY OF THE SENATE

(TRANSFER OF FUNDS)

For an additional amount for expenses of the ''Office of the Secretary of the Senate'', to carry out the provisions of section 8 of the Legislative Branch Appropriations Act, 1997, $5,000,000, to remain available until September 30, 2000, to be derived by transfer from funds previously appropriated from fiscal year 1997 funds under the heading ''SENATE'', subject to the approval of the Committee on Appropriations.

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to Marissa, Sonya, and Frank (III) Tejeda, children of Frank Tejeda, late a Representative from the State of Texas, $133,600.

OTHER AGENCY

BOTANIC GARDEN

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses, Botanic Garden'', $33,500,000, to remain available until expended, for emergency repair and renovation of the Conservatory.

GENERAL PROVISIONS, CHAPTER 7

SEC. 7001. Section 105(f) of the Legislative Branch Appropriation Act, 1968 (2 U.S.C. 61–1(f)) is amended by adding at the end the following: ''The limitation on the minimum rate of gross compensation under this subsection shall not apply to any member or civilian employee of the Capitol Police whose compensation is disbursed by the Secretary of the Senate.''.

SEC. 7002. (a) Notwithstanding any other provision of law or regulation, with the approval of the Committee on Rules and Administration of the Senate, the Sergeant at Arms and Doorkeeper of the Senate is authorized to provide additional facilities, services, equipment, and office space for use by a Senator in that Senator's State in connection with a disaster or emergency declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act. Expenses incurred by the Sergeant at Arms and Doorkeeper of the Senate under this section shall be paid from the appropriation account, within the contingent fund of the Senate, for expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, upon vouchers signed by the Sergeant at Arms and Doorkeeper of the Senate with the approval of the Committee on Rules and Administration of the Senate.

(b) This section is effective on and after the date of enactment of this Act.

SEC. 7003. (a) Section 2 of Public Law 100–71 (2 U.S.C. 65f) is amended by adding at the end the following:

''(c) Upon the written request of the Secretary of the Senate, with the approval of the Committee on Appropriations of the Senate, there shall be transferred any amount of funds available under subsection (a) specified in the request, but not to exceed $10,000 in any fiscal year, from the appropriation account (within the contingent fund of the Senate) for expenses of the Office of the Secretary of the Senate to the appropriation account for the expense allowance of the Secretary of the Senate. Any funds so transferred shall be available in like manner and for the same purposes as are other funds in the account to which the funds are transferred.''.

(b) The amendment made by subsection (a) shall be effective with respect to appropriations for fiscal years beginning on or after October 1, 1996.

SEC. 7004. The Comptroller General may use available funds, now and hereafter, to enter into contracts for the acquisition of severable services for a period that begins in one fiscal year and ends in the next fiscal year and to enter in multiyear contracts for the acquisition of property and nonaudit-related services, to the same extent as executive agencies under the authority of sections 303L and 304B, respectively, of the Federal Property and Administrative Services Act (41 U.S.C. 253l and 254c).

CHAPTER 8

DEPARTMENT OF TRANSPORTATION

COAST GUARD

OPERATING EXPENSES

For an additional amount for ''Operating Expenses'', $1,600,000, for necessary expenses directly related to support activities in the TWA Flight 800 crash investigation, to remain available until expended.

RETIRED PAY

For an additional amount for ''Retired Pay'', $9,200,000.

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

For an additional amount for the Emergency Relief Program for emergency expenses resulting from flooding and other natural disasters, as authorized by 23 U.S.C. 125, $650,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided,* That the entire amount is designated by the Congress 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: *Provided further,* That 23 U.S.C. 125(b)(1) shall not apply to projects resulting from the December 1996 and January 1997 flooding in the western States.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The limitation under this heading in Public Law 104–205 is increased by $694,810,534: *Provided,* That such additional authority shall remain available during fiscal year 1997: *Provided further,* That notwithstanding any other provision of law, the authority provided herein above shall be distributed to ensure that States receive an amount they would have received had the Highway Trust Fund fiscal year 1994 income statement not been understated prior to the revision on December 24, 1996: *Provided further,* That notwithstanding any other provision of law, $318,077,043 of the amount provided herein above shall be distributed to assure that States receive obligation authority that they would have received had the Highway Trust Fund fiscal year 1995 income statement not been revised on December 24, 1996: *Provided further,* That the remaining authority provided herein above shall be distributed to those States whose share of Federal-aid obligation limitation under section 310 of Public Law 104–205 is less than the amount such States received under section 310(a) of Public Law 104–50 in fiscal year 1996 in a ratio equal to the amounts necessary to bring each such State to the Federal-aid obligation limitation distributed under section 310(a) of Public Law 104–50.

FEDERAL RAILROAD ADMINISTRATION

EMERGENCY RAILROAD REHABILITATION AND REPAIR

For necessary expenses to repair and rebuild freight rail lines of regional and short line railroads or a State entity damaged by floods, $18,900,000, to be awarded subject to the discretion of the Secretary on a case-by-case basis: *Provided,* That up to $900,000 shall be solely for damage incurred in West Virginia in September 1996 and $18,000,000 shall be solely for damage incurred in the Northern Plains States in March and April 1997: *Provided further,* That funds provided under this head shall be available for rehabilitation of railroad rights-of-way, bridges, and other facilities which are part of the general railroad system of transportation, and primarily used by railroads to move freight traffic: *Provided further,* That railroad rights-of-way, bridges, and other facilities owned by class I railroads are not eligible for funding under this head unless the rights-of-way, bridges or other facilities are under contract lease to a class II or class III railroad under which the lessee is responsible for all maintenance costs of the line: *Provided further,* That railroad rights-of-way, bridges and other facilities owned by passenger railroads, or by tourist, scenic, or historic railroads are not eligible for funding under this head: *Provided further,* That these funds shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount as

an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further,* That the entire amount is designated by Congress 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: *Provided further,* That all funds made available under this head are to remain available until September 30, 1997.

RELATED AGENCY

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', for emergency expenses resulting from the crashes of TWA Flight 800, ValuJet Flight 592, and Comair Flight 3272, and for assistance to families of victims of aviation accidents as authorized by Public Law 104–264, $29,859,000, of which $4,877,000 shall remain available until expended: *Provided,* That these funds shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further,* That the entire amount is designated by Congress 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: *Provided further,* That notwithstanding any other provision of law, not more than $10,330,000 shall be provided by the National Transportation Safety Board to the Department of the Navy as reimbursement for costs incurred in connection with recovery of wreckage from TWA Flight 800 and shall be credited to the appropriation contained in the Omnibus Consolidated Appropriations Act, 1997, which is available for the same purpose as the appropriation originally charged for the expense for which the reimbursements are received, to be merged with, and to be available for the same purpose as the appropriation to which such reimbursements are credited: *Provided further,* That notwithstanding any other provision of law, of the amount provided to the National Transportation Safety Board, not more than $6,059,000 shall be made available to the State of New York and local counties in New York, as reimbursement for costs incurred in connection with the crash of TWA Flight 800: *Provided further,* That notwithstanding any other provision of law, of the amount provided, not more than $3,100,000 shall be made available to Metropolitan Dade County, Florida as reimbursement for costs incurred in connection with the crash of ValuJet Flight 592: *Provided further,* That notwithstanding any other provision of law, of the amount provided, not more than $300,000 shall be made available to Monroe County, Michigan as reimbursement for costs incurred in connection with the crash of Comair Flight 3272.

GENERAL PROVISIONS, CHAPTER 8

SEC. 8001. Title I of the Department of Transportation and Related Agencies Appropriations Act, 1997 (Public Law 104–205) is amended under the heading ''Federal Transit Administration—Discretionary Grants'' by striking ''$661,000,000'' and inserting ''$661,000''.

SEC. 8002. Section 325 of title III of the Department of Transportation and Related Agencies Appropriations Act, 1997 (Public Law 104–205) is amended by deleting all text following: ''*Provided,* That such funds shall not be subject to the obligation limitation for Federal-aid highways and highway safety construction.''.

SEC. 8003. Section 410(j) of title 23, United States Code, is amended by striking the period after ''1997'' and inserting '', and an additional $500,000 for fiscal year 1997.''.

SEC. 8004. Section 30308(a) of title 49, United States Code, is amended by striking ''and 1996'' and inserting '', 1996, and 1997''.

CHAPTER 9

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For an additional amount under the heading ''Departmental Offices, Salaries and Expenses'', $1,950,000: *Provided,* That the Secretary of the Treasury may utilize the law enforcement services, personnel, equipment, and facilities of the State of Colorado, the County of Denver, and the City of Denver, with their consent, and shall reimburse the State of Colorado, the County of Denver, and the City of Denver for the utilization of such law enforcement services, personnel (for salaries, overtime, and benefits), equipment, and facilities for security arrangements for the Denver Summit of Eight being held June 20 through June 22, 1997, in Denver, Colorado subject to verification of appropriate costs.

COUNTER-TERRORISM AND DRUG LAW ENFORCEMENT

DEPARTMENT OF THE TREASURY

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

Of the funds made available under this heading in Public Law 104–208, $16,000,000 shall be available until September 30, 1998 to develop further the Automated Targeting System.

U.S. POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For an additional amount for the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsection (d) of section 2401 of title 39, United States Code, $5,383,000.

GENERAL PROVISIONS, CHAPTER 9

SEC. 9001. The Administrator of General Services is authorized to obligate the funds appropriated in Public Law 104–208 for construction of the Montgomery, Alabama courthouse.

SEC. 9002. None of the funds appropriated or made available in this Act or any other Act may be used by the General Services Administration to implement section 1555 of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355) prior to the date of adjournment of the first session of the 105th Congress.

SEC. 9003. (a) The Bureau of Engraving and Printing and the Department of the Treasury shall not award a contract for Solicitation No. BEP–97–13(TN) or Solicitation No. BEP–96–13(TN) until the General Accounting Office (GAO) has completed a comprehensive analysis of the optimum circumstances for government procurement of distinctive currency paper. The GAO shall report its findings to the House and Senate Committees on Appropriations no later than August 1, 1998.

(b) The contractual term of the distinctive currency paper ''bridge'' contract shall not exceed 24 months, and the contract shall not be effective until the Secretary of the Department of the Treasury certifies that the price under the terms of any ''bridge'' contract is fair and reasonable and that the terms of any ''bridge'' contract are customary and appropriate according to Federal procurement regulations. In addition, the Secretary of the Treasury shall report to the Committees on Appropriations on the price and profit levels of any ''bridge'' contract at the time of certification.

SEC. 9004. (a) Chapter 63 of title 5, United States Code, is amended by adding after subchapter V the following:

''SUBCHAPTER VI—LEAVE TRANSFER IN DISASTERS AND EMERGENCIES

**''§ 6391. Authority for leave transfer program in disasters and emergencies**

''(a) For the purpose of this section—

''(1) 'employee' means an employee as defined in section 6331(1); and

''(2) 'agency' means an Executive agency.

''(b) In the event of a major disaster or emergency, as declared by the President, that results in severe adverse effects for a substantial number of employees, the President may direct the Office of Personnel Management to establish an emergency leave transfer program under which any employee in any agency may donate unused annual leave for transfer to employees of the same or other agencies who are adversely affected by such disaster or emergency.

''(c) The Office shall establish appropriate requirements for the operation of the emergency leave transfer program under subsection (b), including appropriate limitations on the donation and use of annual leave under the program. An employee may receive and use leave under the program without regard to any requirement that any annual leave and sick leave to a leave recipient's credit must be exhausted before any transferred annual leave may be used.

''(d) A leave bank established under subchapter IV may, to the extent provided in regulations prescribed by the Office, donate annual leave to the emergency leave transfer program established under subsection (b).

''(e) Except to the extent that the Office may prescribe by regulation, nothing in section 7351 shall apply to any solicitation, donation, or acceptance of leave under this section.

''(f) The Office shall prescribe regulations necessary for the administration of this section.''.

(b) The analysis for chapter 63 of title 5, United States Code, is amended by adding at the end the following:

''SUBCHAPTER VI—LEAVE TRANSFER IN DISASTERS AND EMERGENCIES

''6391. Authority for leave transfer program in disasters and emergencies.''.

CHAPTER 10

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for ''Compensation and pensions'', $928,000,000, to remain available until expended.

ADMINISTRATIVE PROVISION

The Secretary of Veterans Affairs may carry out the construction of a multi-story parking garage at the Department of Veterans Affairs medical center in Cleveland, Ohio, in the amount of $12,300,000, and there is authorized to be appropriated for fiscal year 1997 for the Parking Revolving Fund account, a total of $12,300,000 for this project.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

Notwithstanding any other provision of law, of the $1,000,000 appropriated for special purpose grants in Public Law 102–139, for a parking garage in Ashland, Kentucky, $500,000 shall be made available instead for use in acquiring parking in Ashland, Kentucky and $500,000 shall be made available instead for the restoration of the Paramount Theater in Ashland, Kentucky.

PRESERVING EXISTING HOUSING INVESTMENT

For an additional amount for ''Preserving existing housing investment'', to be made available for use in conjunction with properties that are eligible for assistance under

the Low-Income Housing Preservation and Resident Homeownership Act of 1990 or the Emergency Low Income Housing Preservation Act of 1987, $3,500,000, to remain available until expended: *Provided*, That up to such amount shall be for a project in Syracuse, New York, the processing for which was suspended, deferred or interrupted for a period of nine months or more because of differing interpretations, by the Secretary of Housing and Urban Development and an owner, concerning the timing of the ability of an uninsured section 236 property to prepay, or by the Secretary and a State rent regulatory agency concerning the effect of a presumptively applicable State rent control law or regulation on the determination of preservation value under section 213 of such Act, if the owner of such project filed a notice of intent to extend the low-income affordability restrictions of the housing on or before August 23, 1993, and the Secretary approved the plan of action on or before July 25, 1996.

CAPACITY BUILDING FOR COMMUNITY DEVELOPMENT AND AFFORDABLE HOUSING

(TRANSFER OF FUNDS)

For ''Capacity building for community development and affordable housing'', as authorized by section 4 of the HUD Demonstration Act of 1993 (Public Law 103–120), $30,200,000, to remain available until expended, and to be derived by transfer from the Homeownership and Opportunity for People Everywhere Grants account: *Provided*, That at least $10,000,000 of the funding under this head be used in rural areas, including tribal areas.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT BLOCK GRANTS FUND

For an additional amount for ''Community development block grants fund'', as authorized under title I of the Housing and Community Development Act of 1974, $500,000,000, of which $250,000,000 shall become available for obligation on October 1, 1997, all of which shall remain available until September 30, 2000, for use only for buyouts, relocation, long-term recovery, and mitigation in communities affected by the flooding in the upper Midwest and other disasters in fiscal year 1997 and such natural disasters designated 30 days prior to the start of fiscal year 1997, except those activities reimbursable or for which funds are made available by the Federal Emergency Management Agency, the Small Business Administration, or the Army Corps of Engineers: *Provided*, That in administering these amounts, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds, except for statutory requirements related to civil rights, fair housing and nondiscrimination, the environment, and labor standards, upon a finding that such waiver is required to facilitate the use of such funds, and would not be inconsistent with the overall purpose of the statute: *Provided further*, That the Secretary of Housing and Urban Development shall publish a notice in the Federal Register governing the use of community development block grants funds in conjunction with any program administered by the Director of the Federal Emergency Management Agency for buyouts for structures in disaster areas: *Provided further*, That for any funds under this head used for buyouts in conjunction with any program administered by the Director of the Federal Emergency Management Agency, each State or unit of general local government requesting funds from the Secretary of Housing and Urban Development for buyouts shall submit a plan to the Secretary which must be approved by the Secretary as consistent with the requirements of this program: *Provided further*, That the Secretary of Housing and Urban Development and the Director of the Federal Emergency Management Agency shall submit quarterly reports to the House and Senate Committees on Appropriations on all disbursements and uses of funds for or associated with buyouts: *Provided further*, That for purposes of disasters eligible under this head the Secretary of Housing and Urban Development may waive, on a case-by-case basis and upon such other terms as the Secretary may specify, in whole or in part, the requirements that activities benefit persons of low- and moderate-income pursuant to section 122 of the Housing and Community Development Act of 1974, and may waive, in whole or in part, the requirements that housing qualify as affordable housing pursuant to section 290 of the HOME Investment Partnerships Act: *Provided further*, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined by the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress 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.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

Of the funds appropriated under this head in Public Law 104–204, the Secretary of Housing and Urban Development shall enter into a contract with the National Academy of Public Administration not to exceed $1,000,000 no later than one month after enactment of this Act for an evaluation of the Department of Housing and Urban Development's management systems.

INDEPENDENT AGENCIES

ENVIRONMENTAL PROTECTION AGENCY

BUILDINGS AND FACILITIES

From the amounts appropriated under this heading in prior appropriation Acts for the Center for Ecology Research and Training (CERT), the Environmental Protection Agency (EPA) shall, after the closing of the period for filing CERT-related claims pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.), obligate the maximum amount of funds necessary to settle all outstanding CERT-related claims against the EPA pursuant to such Act. To the extent that unobligated balances then remain from such amounts previously appropriated, the EPA is authorized beginning in fiscal year 1997 to make grants to the City of Bay City, Michigan, for the purpose of EPA-approved environmental remediation and rehabilitation of publicly owned real property included in the boundaries of the CERT project.

STATE AND TRIBAL ASSISTANCE GRANTS

The funds appropriated in Public Law 104–204 to the Environmental Protection Agency under this heading for grants to States and federally recognized tribes for multi-media or single media pollution prevention, control, and abatement and related activities, $674,207,000, may also be used for the direct implementation by the Federal Government of a program required by law in the absence of an acceptable State or tribal program.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for ''Disaster relief'', $3,300,000,000, to remain available until expended: *Provided*, That $2,300,000,000 shall become available for obligation on September 30, 1997, but shall not become available until the Director of the Federal Emergency Management Agency submits to the Congress a legislative proposal to control disaster relief expenditures including the elimination of funding for certain revenue producing facilities: *Provided further*, That of the funds made available under this heading, up to $20,000,000 may be transferred to the Disaster Assistance Direct Loan Program for the cost of direct loans as authorized under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided further*, That such transfer may be made to subsidize gross obligations for the principal amount of direct loans not to exceed $21,000,000 under section 417 of the Stafford Act: *Provided further*, That any such transfer of funds shall be made only upon certification by the Director of the Federal Emergency Management Agency that all requirements of section 417 of the Stafford Act will be complied with: *Provided further*, That the entire amount appropriated herein shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That the entire amount appropriated herein is designated by Congress 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.

GENERAL PROVISIONS, CHAPTER 10

SEC. 10001. The Secretary shall submit semi-annually to the Committees on Appropriations a list of all contracts and task orders issued under such contracts in excess of $250,000 which were entered into during the prior 6-month period by the Secretary, the Government National Mortgage Association, and the Office of Federal Housing Enterprise Oversight (or by any officer of the Department of Housing and Urban Development, the Government National Mortgage Association, or the Office of Federal Housing Enterprise Oversight acting in his or her capacity to represent the Secretary or these entities). Each listing shall identify the parties to the contract, the term and amount of the contract, and the subject matter and responsibilities of the parties to the contract.

SEC. 10002. Section 8(c)(9) of the United States Housing Act of 1937 is amended by striking out ''Not less than one year prior to terminating any contract'' and inserting in lieu thereof: ''Not less than 180 days prior to terminating any contract''.

SEC. 10003. The first sentence of section 542(c)(4) of the Housing and Community Development Act of 1992 is amended by striking out ''on not more than 12,000 units during fiscal year 1996'' and inserting in lieu thereof: ''on not more than 12,000 units during fiscal year 1996 and not more than an additional 7,500 units during fiscal year 1997''.

SEC. 10004. Section 4 (a) and (b)(3) of the HUD Demonstration Act of 1993 is amended by inserting after ''National Community Development Initiative'': '', Local Initiatives Support Corporation, The Enterprise Foundation, Habitat for Humanity, and Youthbuild USA''.

SEC. 10005. Section 234(c) of the National Housing Act is amended by inserting after ''203(b)(2)'' the following: ''or pursuant to section 203(h) under the conditions described in section 203(h)''.

SEC. 10006. Section 211(b)(4)(B) of the Departments of Veterans Affairs and Housing

and Urban Development, and Independent Agencies Appropriations Act, 1997 (Public Law 104–204) is amended by inserting the following at the end: ''The term 'owner', as used in this subparagraph, in addition to it having the same meaning as in section 8(f) of the United States Housing Act of 1937, also means an affiliate of the owner. The term 'affiliate of the owner' means any person or entity (including, but not limited to, a general partner or managing member, or an officer of either) that controls an owner, is controlled by an owner, or is under common control with the owner. The term 'control' means the direct or indirect power (under contract, equity ownership, the right to vote or determine a vote, or otherwise) to direct the financial, legal, beneficial, or other interests of the owner.''.

CHAPTER 11

OFFSETS AND RESCISSIONS

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

FUND FOR RURAL AMERICA

Of the funds provided on January 1, 1997 for section 793 of Public Law 104–127, Fund for Rural America, not more than $80,000,000 shall be available.

FOOD AND CONSUMER SERVICE

THE EMERGENCY FOOD ASSISTANCE PROGRAM

Notwithstanding section 27(a) of the Food Stamp Act, the amount specified for allocation under such section for fiscal year 1997 shall be $80,000,000.

FOREIGN AGRICULTURAL SERVICE AND GENERAL SALES MANAGER

EXPORT CREDIT

None of the funds made available in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1997, Public Law 104–180, may be used to pay the salaries and expenses of personnel to carry out a combined program for export credit guarantees, supplier credit guarantees, and emerging democracies facilities guarantees at a level which exceeds $3,500,000,000.

EXPORT ENHANCEMENT PROGRAM

None of the funds appropriated or otherwise made available in Public Law 104–180 shall be used to pay the salaries and expenses of personnel to carry out an export enhancement program if the aggregate amount of funds and/or commodities under such program exceeds $10,000,000.

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

Of the unobligated balances available under this heading, $6,400,000 are rescinded.

LEGAL ACTIVITIES

ASSETS FORFEITURE FUND

(RESCISSION)

Of the amounts made available to the Attorney General on October 1, 1996, from surplus balances declared in prior years pursuant to 28 U.S.C. 524(c), authority to obligate $3,000,000 of such funds in fiscal year 1997 is rescinded.

IMMIGRATION AND NATURALIZATION SERVICE

CONSTRUCTION

(RESCISSION)

Of the unobligated balances under this heading from amounts made available in Public Law 103–317, $1,000,000 are rescinded.

DEPARTMENT OF COMMERCE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

INDUSTRIAL TECHNOLOGY SERVICES

(RESCISSION)

Of the unobligated balances available under this heading for the Advanced Technology Program, $7,000,000 are rescinded.

RELATED AGENCIES

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

(RESCISSION)

Of the unobligated balances available under this heading, $1,000,000 are rescinded.

OUNCE OF PREVENTION COUNCIL

(RESCISSION)

Of the amounts made available under this heading in Public Law 104–208, $1,000,000 are rescinded.

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 104–206 and prior years' Energy and Water Development Appropriations Acts, $11,180,000 are rescinded.

CLEAN COAL TECHNOLOGY

(RESCISSION)

Of the funds made available under this heading for obligation in fiscal year 1997 or prior years, $17,000,000 are rescinded: *Provided,* That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected.

STRATEGIC PETROLEUM RESERVE

(RESCISSION)

Of the funds made available under this heading in previous appropriations Acts, $11,000,000 are rescinded.

POWER MARKETING ADMINISTRATIONS

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

(RESCISSION)

Of the funds made available under this heading in Public Law 104–206 and prior years' Energy and Water Development Appropriations Acts, $11,352,000 are rescinded.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

JOB OPPORTUNITIES AND BASIC SKILLS

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, there is rescinded an amount equal to the total of the funds within each State's limitation for fiscal year 1997 that are not necessary to pay such State's allowable claims for such fiscal year.

Section 403(k)(3)(F) of the Social Security Act (as in effect on October 1, 1996) is amended by adding after the '','' the following: ''reduced by an amount equal to the total of those funds that are within each State's limitation for fiscal year 1997 that are not necessary to pay such State's allowable claims for such fiscal year (except that such amount for such year shall be deemed to be $1,000,000,000 for the purpose of determining the amount of the payment under subsection (1) to which each State is entitled),''.

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the unobligated balances authorized under 49 U.S.C. 48103 as amended, $750,000,000 are rescinded.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

HIGHWAY TRAFFIC SAFETY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the available balances of contract authority under this heading, $13,000,000 are rescinded.

FEDERAL TRANSIT ADMINISTRATION

TRUST FUND SHARE OF EXPENSES

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the available balances of contract authority under this heading, $271,000,000 are rescinded.

DISCRETIONARY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the available balances of contract authority under this heading, for fixed guideway modernization and bus activities under 49 U.S.C. 5309(m)(A) and (C), $588,000,000 are rescinded.

INDEPENDENT AGENCY

GENERAL SERVICES ADMINISTRATION

EXPENSES, PRESIDENTIAL TRANSITION

(RESCISSION)

Of the amounts made available under this heading in Public Law 104–208, $5,600,000 are rescinded.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(INCLUDING RESCISSION)

Of the amounts recaptured under this heading during fiscal year 1997 and prior years, $3,650,000,000 are rescinded: *Provided,* That the Secretary of Housing and Urban Development shall recapture at least $5,800,000,000 in amounts heretofore maintained as section 8 reserves made available to housing agencies for tenant-based assistance under the section 8 existing housing certificate and housing voucher programs: *Provided further,* That all additional section 8 reserve funds of an amount not less than $2,150,000,000 and any recaptures (other than funds already designated for other uses) specified in section 214 of Public Law 104–204 shall be preserved under the head ''Section 8 Reserve Preservation Account'' for use in extending section 8 contracts expiring in fiscal year 1998 and thereafter: *Provided further,* That the Secretary may recapture less than $5,800,000,000 and reserve less than $2,150,000,000 where the Secretary determines that insufficient section 8 funds are available for current fiscal year contract obligations: *Provided further,* That the Comptroller General of the United States shall conduct an audit of all accounts of the Department of Housing and Urban Development to determine whether the Department's systems for budgeting and accounting for section 8 rental assistance ensure that unexpended funds do not reach unreasonable levels and that obligations are spent in a timely manner.

INDEPENDENT AGENCY

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

NATIONAL AERONAUTICS FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $365,000,000 are rescinded.

FUNDS APPROPRIATED TO THE PRESIDENT

UNANTICIPATED NEEDS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–211 to NASA for ''Space flight, control, and data communications'', $4,200,000 are rescinded.

TITLE III

GENERAL PROVISIONS—THIS ACT

SEC. 30001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

BUY-AMERICAN REQUIREMENTS

SEC. 30002. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 30003. The Office of Management and Budget is directed to work with Federal agencies, as appropriate, to support the extension and revision of Federal grants, contracts, and cooperative agreements at universities affected by flooding in designated Federal disaster areas where work on such grants, contracts, and cooperative agreements was suspended as a result of the flood disaster.

TITLE IV—COST OF HIGHER EDUCATION REVIEW

**SEC. 40001. SHORT TITLE; FINDINGS.**

(a) SHORT TITLE.—This title may be cited as the ''Cost of Higher Education Review Act of 1997''.

(b) FINDINGS.—The Congress finds the following:

(1) According to a report issued by the General Accounting Office, tuition at 4-year public colleges and universities increased 234 percent from school year 1980–1981 through school year 1994–1995, while median household income rose 82 percent and the cost of consumer goods as measured by the Consumer Price Index rose 74 percent over the same time period.

(2) A 1995 survey of college freshmen found that concern about college affordability was the highest it has been in the last 30 years.

(3) Paying for a college education now ranks as one of the most costly investments for American families.

**SEC. 40002. ESTABLISHMENT OF NATIONAL COMMISSION ON THE COST OF HIGHER EDUCATION.**

There is established a Commission to be known as the ''National Commission on the Cost of Higher Education'' (hereafter in this title referred to as the ''Commission'').

**SEC. 40003. MEMBERSHIP OF COMMISSION.**

(a) APPOINTMENT.—The Commission shall be composed of 11 members as follows:

(1) Three individuals shall be appointed by the Speaker of the House.

(2) Two individuals shall be appointed by the Minority Leader of the House.

(3) Three individuals shall be appointed by the Majority Leader of the Senate.

(4) Two individuals shall be appointed by the Minority Leader of the Senate.

(5) One individual shall be appointed by the Secretary of Education.

(b) ADDITIONAL QUALIFICATIONS.—Each of the individuals appointed under subsection (a) shall be an individual with expertise and experience in higher education finance (including the financing of State institutions of higher education), Federal financial aid programs, education economics research, public or private higher education administration, or business executives who have managed successful cost reduction programs.

(c) CHAIRPERSON AND VICE CHAIRPERSON.—The members of the Commission shall elect a Chairperson and a Vice Chairperson. In the absence of the Chairperson, the Vice Chairperson will assume the duties of the Chairperson.

(d) QUORUM.—A majority of the members of the Commission shall constitute a quorum for the transaction of business.

(e) APPOINTMENTS.—All appointments under subsection (a) shall be made within 30 days after the date of enactment of this Act. In the event that an officer authorized to make an appointment under subsection (a) has not made such appointment within such 30 days, the appointment may be made for such officer as follows:

(1) the Chairman of the Committee on Education and the Workforce may act under such subsection for the Speaker of the House of Representatives;

(2) the Ranking Minority Member of the Committee on Education and the Workforce may act under such subsection for the Minority Leader of the House of Representatives;

(3) the Chairman of the Committee on Labor and Human Resources may act under such subsection for the Majority Leader of the Senate; and

(4) the Ranking Minority Member of the Committee on Labor and Human Resources may act under such subsection for the Minority Leader of the Senate.

(f) VOTING.—Each member of the Commission shall be entitled to one vote, which shall be equal to the vote of every other member of the Commission.

(g) VACANCIES.—Any vacancy on the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made.

(h) PROHIBITION OF ADDITIONAL PAY.—Members of the Commission shall receive no additional pay, allowances, or benefits by reason of their service on the Commission. Members appointed from among private citizens of the United States may be allowed travel expenses, including per diem, in lieu of subsistence, as authorized by law for persons serving intermittently in the government service to the extent funds are available for such expenses.

(i) INITIAL MEETING.—The initial meeting of the Commission shall occur within 40 days after the date of enactment of this Act.

**SEC. 40004. FUNCTIONS OF COMMISSION.**

(a) SPECIFIC FINDINGS AND RECOMMENDATIONS.—The Commission shall study and make findings and specific recommendations regarding the following:

(1) The increase in tuition compared with other commodities and services.

(2) Innovative methods of reducing or stabilizing tuition.

(3) Trends in college and university administrative costs, including administrative staffing, ratio of administrative staff to instructors, ratio of administrative staff to students, remuneration of administrative staff, and remuneration of college and university presidents or chancellors.

(4) Trends in (A) faculty workload and remuneration (including the use of adjunct faculty), (B) faculty-to-student ratios, (C) number of hours spent in the classroom by faculty, and (D) tenure practices, and the impact of such trends on tuition.

(5) Trends in (A) the construction and renovation of academic and other collegiate facilities, and (B) the modernization of facilities to access and utilize new technologies, and the impact of such trends on tuition.

(6) The extent to which increases in institutional financial aid and tuition discounting have affected tuition increases, including the demographics of students receiving such aid, the extent to which such aid is provided to students with limited need in order to attract such students to particular institutions or major fields of study, and the extent to which Federal financial aid, including loan aid, has been used to offset such increases.

(7) The extent to which Federal, State, and local laws, regulations, or other mandates contribute to increasing tuition, and recommendations on reducing those mandates.

(8) The establishment of a mechanism for a more timely and widespread distribution of data on tuition trends and other costs of operating colleges and universities.

(9) The extent to which student financial aid programs have contributed to changes in tuition.

(10) Trends in State fiscal policies that have affected college costs.

(11) The adequacy of existing Federal and State financial aid programs in meeting the costs of attending colleges and universities.

(12) Other related topics determined to be appropriate by the Commission.

(b) FINAL REPORT.—

(1) IN GENERAL.—Subject to paragraph (2), the Commission shall submit to the President and to the Congress, not later than 120 days after the date of the first meeting of the Commission, a report which shall contain a detailed statement of the findings and conclusions of the Commission, including the Commission's recommendations for administrative and legislative action that the Commission considers advisable.

(2) MAJORITY VOTE REQUIRED FOR RECOMMENDATIONS.—Any recommendation described in paragraph (1) shall be made by the Commission to the President and to the Congress only if such recommendation is adopted by a majority vote of the members of the Commission who are present and voting.

(3) EVALUATION OF DIFFERENT CIRCUMSTANCES.—In making any findings under

subsection (a) of this section, the Commission shall take into account differences between public and private colleges and universities, the length of the academic program, the size of the institution's student population, and the availability of the institution's resources, including the size of the institution's endowment.

**SEC. 40005. POWERS OF COMMISSION.**

(a) HEARINGS.—The Commission may, for the purpose of carrying out this title, hold such hearings and sit and act at such times and places, as the Commission may find advisable.

(b) RULES AND REGULATIONS.—The Commission may adopt such rules and regulations as may be necessary to establish the Commission's procedures and to govern the manner of the Commission's operations, organization, and personnel.

(c) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) INFORMATION.—The Commission may request from the head of any Federal agency or instrumentality such information as the Commission may require for the purpose of this title. Each such agency or instrumentality shall, to the extent permitted by law and subject to the exceptions set forth in section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), furnish such information to the Commission, upon request made by the Chairperson of the Commission.

(2) FACILITIES AND SERVICES, PERSONNEL DETAIL AUTHORIZED.—Upon request of the Chairperson of the Commission, the head of any Federal agency or instrumentality shall, to the extent possible and subject to the discretion of such head—

(A) make any of the facilities and services of such agency or instrumentality available to the Commission; and

(B) detail any of the personnel of such agency or instrumentality to the Commission, on a nonreimbursable basis, to assist the Commission in carrying out the Commission's duties under this title.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

(e) CONTRACTING.—The Commission, to such extent and in such amounts as are provided in appropriation Acts, may enter into contracts with State agencies, private firms, institutions, and individuals for the purpose of conducting research or surveys necessary to enable the Commission to discharge the Commission's duties under this title.

(f) STAFF.—Subject to such rules and regulations as may be adopted by the Commission, and to such extent and in such amounts as are provided in appropriation Acts, the Chairperson of the Commission shall have the power to appoint, terminate, and fix the compensation (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, or of any other provision, or of any other provision of law, relating to the number, classification, and General Schedule rates) of an Executive Director, and of such additional staff as the Chairperson deems advisable to assist the Commission, at rates not to exceed a rate equal to the maximum rate for level IV of the Executive Schedule under section 5332 of such title.

**SEC. 40006. FUNDING OF COMMISSION.**

There is authorized to be appropriated for fiscal year 1997 for carrying out this title, $650,000, to remain available until expended, or until one year after the termination of the Commission pursuant to section 40007, whichever occurs first.

**SEC. 40007. TERMINATION OF COMMISSION.**

The Commission shall cease to exist on the date that is 60 days after the date on which the Commission is required to submit its final report in accordance with section 40004(b).

## TITLE V—DEPOSITORY INSTITUTION DISASTER RELIEF

**SEC. 50001. SHORT TITLE.**

This title may be cited as the ''Depository Institutions Disaster Relief Act of 1997''.

**SEC. 50002. TRUTH IN LENDING ACT; EXPEDITED FUNDS AVAILABILITY ACT.**

(a) TRUTH IN LENDING ACT.—During the 240-day period beginning on the date of enactment of this Act, the Board of Governors of the Federal Reserve System may make exceptions to the Truth in Lending Act for transactions within an area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, has determined, on or after February 28, 1997, that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to the 1997 flooding of the Red River of the North, the Minnesota River, and the tributaries of such rivers, if the Board determines that the exception can reasonably be expected to alleviate hardships to the public resulting from such disaster that outweigh possible adverse effects.

(b) EXPEDITED FUNDS AVAILABILITY ACT.—During the 240-day period beginning on the date of enactment of this Act, the Board of Governors of the Federal Reserve System may make exceptions to the Expedited Funds Availability Act for depository institution offices located within any area referred to in subsection (a) of this section if the Board determines that the exception can reasonably be expected to alleviate hardships to the public resulting from such disaster that outweigh possible adverse effects.

(c) TIME LIMIT ON EXCEPTIONS.—Any exception made under this section shall expire not later than September 1, 1998.

(d) PUBLICATION REQUIRED.—The Board of Governors of the Federal Reserve System shall publish in the Federal Register a statement that—

(1) describes any exception made under this section; and

(2) explains how the exception can reasonably be expected to produce benefits to the public that outweigh possible adverse effects.

**SEC. 50003. DEPOSIT OF INSURANCE PROCEEDS.**

(a) IN GENERAL.—The appropriate Federal banking agency may, by order, permit an insured depository institution to subtract from the institution's total assets, in calculating compliance with the leverage limit prescribed under section 38 of the Federal Deposit Insurance Act, an amount not exceeding the qualifying amount attributable to insurance proceeds, if the agency determines that—

(1) the institution—

(A) had its principal place of business within an area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, has determined, on or after February 28, 1997, that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to the 1997 flooding of the Red River of the North, the Minnesota River, and the tributaries of such rivers, on the day before the date of any such determination;

(B) derives more than 60 percent of its total deposits from persons who normally reside within, or whose principal place of business is normally within, areas of intense devastation caused by the major disaster;

(C) was adequately capitalized (as defined in section 38 of the Federal Deposit Insurance Act) before the major disaster; and

(D) has an acceptable plan for managing the increase in its total assets and total deposits; and

(2) the subtraction is consistent with the purpose of section 38 of the Federal Deposit Insurance Act.

(b) TIME LIMIT ON EXCEPTIONS.—Any exception made under this section shall expire not later than February 28, 1999.

(c) DEFINITIONS.—For purposes of this section:

(1) APPROPRIATE FEDERAL BANKING AGENCY.—The term ''appropriate Federal banking agency'' has the same meaning as in section 3 of the Federal Deposit Insurance Act.

(2) INSURED DEPOSITORY INSTITUTION.—The term ''insured depository institution'' has the same meaning as in section 3 of the Federal Deposit Insurance Act.

(3) LEVERAGE LIMIT.—The term ''leverage limit'' has the same meaning as in section 38 of the Federal Deposit Insurance Act.

(4) QUALIFYING AMOUNT ATTRIBUTABLE TO INSURANCE PROCEEDS.—The term ''qualifying amount attributable to insurance proceeds'' means the amount (if any) by which the institution's total assets exceed the institution's average total assets during the calendar quarter ending before the date of any determination referred to in subsection (a)(1)(A), because of the deposit of insurance payments or governmental assistance made with respect to damage caused by, or other costs resulting from, the major disaster.

**SEC. 50004. BANKING AGENCY PUBLICATION REQUIREMENTS.**

(a) IN GENERAL.—A qualifying regulatory agency may take any of the following actions with respect to depository institutions or other regulated entities whose principal place of business is within, or with respect to transactions or activities within, an area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, has determined, on or after February 28, 1997, that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to the 1997 flooding of the Red River of the North, the Minnesota River, and the tributaries of such rivers, if the agency determines that the action would facilitate recovery from the major disaster:

(1) PROCEDURE.—Exercising the agency's authority under provisions of law other than this section without complying with—

(A) any requirement of section 553 of title 5, United States Code; or

(B) any provision of law that requires notice or opportunity for hearing or sets maximum or minimum time limits with respect to agency action.

(2) PUBLICATION REQUIREMENTS.—Making exceptions, with respect to institutions or other entities for which the agency is the primary Federal regulator, to—

(A) any publication requirement with respect to establishing branches or other deposit-taking facilities; or

(B) any similar publication requirement.

(b) PUBLICATION REQUIRED.—A qualifying regulatory agency shall publish in the Federal Register a statement that—

(1) describes any action taken under this section; and

(2) explains the need for the action.

(c) QUALIFYING REGULATORY AGENCY DEFINED.—For purposes of this section, the term ''qualifying regulatory agency'' means—

(1) the Board of Governors of the Federal Reserve System;

(2) the Comptroller of the Currency;

(3) the Director of the Office of Thrift Supervision;

(4) the Federal Deposit Insurance Corporation;

(5) the Financial Institutions Examination Council;

(6) the National Credit Union Administration; and

(7) with respect to chapter 53 of title 31, United States Code, the Secretary of the Treasury.

(d) EXPIRATION.—Any exception made under this section shall expire not later than February 28, 1998.

**SEC. 50005. SENSE OF THE CONGRESS.**

(a) FINANCIAL SERVICES.—It is the sense of the Congress that the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Federal Deposit Insurance Corporation, and the National Credit Union Administration should encourage depository institutions to meet the financial services needs of their communities and customers located in areas affected by the 1997 flooding of the Red River of the North, the Minnesota River, and the tributaries of such rivers.

(b) APPRAISAL STANDARDS.—It is the sense of the Congress that each Federal financial institutions regulatory agency should, by regulation or order, make exceptions to the appraisal standards prescribed by title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3331 et seq.) for transactions involving institutions for which the agency is the primary Federal regulator with respect to real property located within a disaster area pursuant to section 1123 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3352), if the agency determines that the exceptions can reasonably be expected to alleviate hardships to the public resulting from such disaster that outweigh possible adverse effects.

**SEC. 50006. OTHER AUTHORITY NOT AFFECTED.**

No provision of this title shall be construed as limiting the authority of any department or agency under any other provision of law.

TITLE VI—TECHNICAL AMENDMENTS WITH RESPECT TO EDUCATION

**SEC. 60001. TECHNICAL AMENDMENTS RELATING TO DISCLOSURES REQUIRED WITH RESPECT TO GRADUATION RATES.**

(a) AMENDMENTS.—Section 485 of the Higher Education Act of 1965 (20 U.S.C. 1092) is amended—

(1) in subsection (a)(3)(B), by striking ''June 30'' and inserting ''August 31''; and

(2) in subsection (e)(9), by striking ''August 30'' and inserting ''August 31''.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsection (a) are effective upon enactment.

(2) INFORMATION DISSEMINATION.—No institution shall be required to comply with the amendment made by subsection (a)(1) before July 1, 1998.

**SEC. 60002. DATE EXTENSION.**

Section 1501(a)(4) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6491(a)(4)) is amended by striking ''January 1, 1998'' and inserting ''January 1, 1999''.

**SEC. 60003. TIMELY FILING OF NOTICE.**

Notwithstanding any other provision of law, the Secretary of Education shall deem Kansas and New Mexico to have timely submitted under section 8009(c)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7709(c)(1)) the States' written notices of intent to consider payments described in section 8009(b)(1) of the Act (20 U.S.C. 7709(b)(1)) in providing State aid to local educational agencies for school year 1997–1998, except that the Secretary may require the States to submit such additional information as the Secretary may require, which information shall be considered part of the notices.

**SEC. 60004. HOLD HARMLESS PAYMENTS.**

Section 8002(h)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702(h)(1)) is amended—

(1) in subparagraph (A), by striking ''or'' after the semicolon;

(2) in subparagraph (B), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(C) for fiscal year 1997 and each succeeding fiscal year through fiscal year 2000 shall not be less than 85 percent of the amount such agency received for fiscal year 1996 under subsection (b).''.

**SEC. 60005. DATA.**

(a) IN GENERAL.—Section 8003(f)(4) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(f)(4)) is amended—

(1) in subparagraph (A)—

(A) by inserting ''expenditure,'' after ''revenue,''; and

(B) by striking the semicolon and inserting a period;

(2) by striking ''the Secretary'' and all that follows through ''shall use'' and inserting ''the Secretary shall use''; and

(3) by striking subparagraph (B).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to fiscal years after fiscal year 1997.

**SEC. 60006. PAYMENTS RELATING TO FEDERAL PROPERTY.**

Section 8002(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702(i)) is amended to read as follows:

''(i) PRIORITY PAYMENTS.—

''(1) IN GENERAL.—Notwithstanding subsection (b)(1)(B), and for any fiscal year beginning with fiscal year 1997 for which the amount appropriated to carry out this section exceeds the amount so appropriated for fiscal year 1996—

''(A) the Secretary shall first use the excess amount (not to exceed the amount equal to the difference of (i) the amount appropriated to carry out this section for fiscal year 1997, and (ii) the amount appropriated to carry out this section for fiscal year 1996) to increase the payment that would otherwise be made under this section to not more than 50 percent of the maximum amount determined under subsection (b) for any local educational agency described in paragraph (2); and

''(B) the Secretary shall use the remainder of the excess amount to increase the payments to each eligible local educational agency under this section.

''(2) LOCAL EDUCATIONAL AGENCY DESCRIBED.—A local educational agency described in this paragraph is a local educational agency that—

''(A) received a payment under this section for fiscal year 1996;

''(B) serves a school district that contains all or a portion of a United States military academy;

''(C) serves a school district in which the local tax assessor has certified that at least 60 percent of the real property is federally owned; and

''(D) demonstrates to the satisfaction of the Secretary that such agency's per-pupil revenue derived from local sources for current expenditures is not less than that revenue for the preceding fiscal year.''.

**SEC. 60007. TIMELY FILING UNDER SECTION 8003.**

The Secretary of Education shall treat as timely filed, and shall process for payment, an amendment to an application for a fiscal year 1997 payment from a local educational agency under section 8003 of the Elementary and Secondary Education Act of 1965 if—

(1) that agency is described in subsection (a)(3) of that section, as amended by section 376 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201);

(2) that agency was not described in that subsection prior to that amendment; and

(3) the Secretary received the amendment to the agency's application prior to the enactment of this Act.

TITLE VII—FOOD STAMP PROGRAM

STATE OPTION TO ISSUE FOOD STAMP BENEFITS TO CERTAIN INDIVIDUALS MADE INELIGIBLE BY WELFARE REFORM

(a) IN GENERAL.—Section 7 of the Food Stamp Act of 1977 (7 U.S.C. 2016) is amended—

(1) in subsection (a), by inserting after ''necessary, and'' the following: ''(except as provided in subsection (j))''; and

(2) by adding at the end the following:

''(j) STATE OPTION TO ISSUE BENEFITS TO CERTAIN INDIVIDUALS MADE INELIGIBLE BY WELFARE REFORM.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, a State agency may, with the approval of the Secretary, issue benefits under this Act to an individual who is ineligible to participate in the food stamp program solely as a result of section 6(o)(2) of this Act or section 402 or 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612 or 1613).

''(2) STATE PAYMENTS TO SECRETARY.—

''(A) IN GENERAL.—Not later than the date the State agency issues benefits to individuals under this subsection, the State agency shall pay the Secretary, in accordance with procedures established by the Secretary, an amount that is equal to—

''(i) the value of the benefits; and

''(ii) the costs of printing, shipping, and redeeming coupons, and other Federal costs, incurred in providing the benefits, as determined by the Secretary.

''(B) CREDITING.—Notwithstanding section 3302(b) of title 31, United States Code, payments received under subparagraph (A) shall be credited to the food stamp program appropriation account or the account from which the costs were drawn, as appropriate, for the fiscal year in which the payment is received.

''(3) REPORTING.—To be eligible to issue benefits under this subsection, a State agency shall comply with reporting requirements established by the Secretary to carry out this subsection.

''(4) PLAN.—To be eligible to issue benefits under this subsection, a State agency shall—

''(A) submit a plan to the Secretary that describes the conditions and procedures under which the benefits will be issued, including eligibility standards, benefit levels, and the methodology the State agency will use to determine amounts due the Secretary under paragraph (2); and

''(B) obtain the approval of the Secretary for the plan.

''(5) VIOLATIONS.—A sanction, disqualification, fine, or other penalty prescribed under Federal law (including sections 12 and 15) shall apply to a violation committed in connection with a coupon issued under this subsection.

''(6) INELIGIBILITY FOR ADMINISTRATIVE REIMBURSEMENT.—Administrative and other costs incurred in issuing a benefit under this subsection shall not be eligible for Federal funding under this Act.

''(7) EXCLUSION FROM ENHANCED PAYMENT ACCURACY SYSTEMS.—Section 16(c) shall not apply to benefits issued under this subsection.''.

(b) CONFORMING AMENDMENTS.—Section 17(b)(1)(B)(iv) of the Food Stamp Act of 1977 (7 U.S.C. 2026(b)(1)(B)(iv)) is amended—

(1) in subclause (V), by striking ''or'' at the end;

(2) in subclause (VI), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(VII) waives a provision of section 7(j).''.

TITLE VIII—2000 DECENNIAL CENSUS

The Department of Commerce is directed within thirty days of enactment of this Act to provide to the Congress a comprehensive and detailed plan outlining its proposed methodologies for conducting the 2000 decennial Census and available methods to conduct an actual enumeration of the population. This plan description shall specifically include:

(1) a list of all statistical methodologies that may be used in conducting the Census;

(2) an explanation of these statistical methodologies;

(3) a list of statistical errors which may occur as a result of the use of each statistical methodology;

(4) the estimated error rate down to the census tract level;

(5) a cost estimation showing cost allocations for each census activity plan; and

(6) an analysis of all available options for counting hard-to-enumerate individuals, without utilizing sampling or any other statistical methodology, including efforts like the Milwaukee Complete Count project. The Department of Commerce is also directed within thirty days of enactment of this Act to provide to the Congress an estimate and explanation of the error rate at the census block level based upon the 1995 test data.

This Act may be cited as the ''1997 Emergency Supplemental Appropriations Act for Recovery from Natural Disasters, and for Overseas Peacekeeping Efforts, Including Those in Bosnia''.

The SPEAKER pro tempore. Pursuant to the previous order of the House, the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Wisconsin [Mr. OBEY] each will control 30 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. LIVINGSTON].

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

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

Mr. LIVINGSTON. Mr. Speaker, on June 9, the President vetoed H.R. 1469, the initial fiscal year 1997 emergency supplemental appropriations bill that the Congress had sent him. That bill contained a provision on precluding sampling in the 2000 decennial census and an automatic continuing resolution provision that would have provided funding for the Government should the regular appropriations bills not be enacted on October 1. The President found those provisions unacceptable and vetoed that bill.

The bill before the House does not contain any provision on the continuing resolution. The provision in this bill on the decennial census has been agreed to by the President. The provision in the initial bill regarding States' assertions of rights-of-way on Federal lands has been dropped. There are no funding changes from the conference agreement on H.R. 1469, the bill that we had passed initially in the House, conferenced, and the conference report was adopted before it went to the President.

Since this is an introduced bill that was not reported by the Committee on Appropriations or from a committee of conference, there is no report to accompany it. However, this bill is very similar to H.R. 1469. In implementing the provisions of this bill, agencies should use the guidance contained in House Report 105–119, the conference report to accompany H.R. 1469, as appropriate.

Mr. Speaker, with the adjustments described above, if we pass this bill, we can conclude our responsibilities in getting emergency assistance to all impacted parties around the country. I believe that the Senate will take this bill up quickly and pass it unamended.

The President will sign this bill, and we can get on with our regular fiscal year 1998 bills. I urge support of this bill.

At this point in the RECORD, I would like to insert a table reflecting the details of this bill.

## EMERGENCY SUPPLEMENTALS AND RESCISSIONS APPROPRIATIONS ACT, FY 1997 (H.R. 1871)

| Doc No. | | Supplemental Request | House | Senate | Conference | Conference compared with House | Conference compared with Senate |
|---|---|---|---|---|---|---|---|
| | TITLE I - DEPARTMENT OF DEFENSE - MILITARY | | | | | | |
| | CHAPTER 1 | | | | | | |
| | DEPARTMENT OF DEFENSE - MILITARY | | | | | | |
| | Military Personnel | | | | | | |
| ..... | Military personnel, Army (emergency appropriations).. | ..... | 306,800,000 | 306,800,000 | 306,800,000 | ..... | ..... |
| ..... | Military personnel, Navy (emergency appropriations)... | ..... | 7,900,000 | 7,900,000 | 7,900,000 | ..... | ..... |
| ..... | Military personnel, Marine Corps (emergency appropriations) | ..... | 300,000 | 300,000 | 300,000 | ..... | ..... |
| ..... | Military personnel, Air Force (emergency appropriations) | ..... | 29,100,000 | 29,100,000 | 29,100,000 | ..... | ..... |
| | Total, Military personnel | ..... | 344,100,000 | 344,100,000 | 344,100,000 | ..... | ..... |
| | Operation and Maintenance | | | | | | |
| ..... | Operation and maintenance, Marine Corps (by transfer) (sec. 101) | ..... | (23,000,000) | (23,000,000) | (23,000,000) | ..... | ..... |
| 104-3 | Overseas contingency operations transfer fund (emergency appropriations) | 2,006,214,000 | 1,566,300,000 | 1,312,900,000 | 1,430,100,000 | -136,200,000 | +117,200,000 |
| 104-3 | OPLAN 34A/35 P.O.W. payments | 20,000,000 | 20,000,000 | 20,000,000 | 20,000,000 | ..... | ..... |
| | Total, Operation and maintenance | 2,026,214,000 | 1,586,300,000 | 1,332,900,000 | 1,450,100,000 | -136,200,000 | +117,200,000 |
| | Revolving and Management Funds | | | | | | |
| 104-3 | Reserve mobilization income insurance fund (emergency appropriations) | 72,000,000 | 72,000,000 | 72,000,000 | 72,000,000 | ..... | ..... |
| | General Provisions | | | | | | |
| ..... | Defense health program (sec. 102) | ..... | 21,000,000 | ..... | 21,000,000 | ..... | +21,000,000 |
| ..... | Force protection initiatives (sec. 103) | ..... | 10,000,000 | ..... | 10,000,000 | ..... | +10,000,000 |
| ..... | Additional transfer authority | ..... | ..... | (100,000,000) | ..... | ..... | (-100,000,000) |
| ..... | Red Cross reimbursement (sec. 104) | ..... | ..... | 50,000,000 | 25,800,000 | +25,800,000 | -24,200,000 |
| ..... | Family housing, Navy and Marine Corps (sec. 106) | ..... | 6,480,000 | 6,480,000 | 6,480,000 | ..... | ..... |
| | Total, general provisions | ..... | 37,480,000 | 56,480,000 | 63,280,000 | +25,800,000 | +6,800,000 |
| | Total, Chapter 1: | | | | | | |
| | New budget (obligational) authority | 2,098,214,000 | 2,039,880,000 | 1,805,480,000 | 1,929,480,000 | -110,400,000 | +124,000,000 |
| | Appropriations | (20,000,000) | (57,480,000) | (76,480,000) | (83,280,000) | (+25,800,000) | (+6,800,000) |
| | Emergency appropriations | (2,078,214,000) | (1,982,400,000) | (1,729,000,000) | (1,846,200,000) | (-136,200,000) | (+117,200,000) |
| | (Additional transfer authority) | ..... | ..... | (100,000,000) | ..... | ..... | (-100,000,000) |
| | (By transfer) | ..... | (23,000,000) | (23,000,000) | (23,000,000) | ..... | ..... |
| | CHAPTER 2 | | | | | | |
| | DEPARTMENT OF DEFENSE - MILITARY | | | | | | |
| | Military Personnel | | | | | | |
| ..... | Military personnel, Army (rescission) | ..... | ..... | -46,000,000 | -57,000,000 | -57,000,000 | -11,000,000 |
| ..... | Military personnel, Navy (rescission) | ..... | ..... | -11,000,000 | -18,000,000 | -18,000,000 | -7,000,000 |
| ..... | Military personnel, Marine Corps (rescission) | ..... | ..... | -5,000,000 | -5,000,000 | -5,000,000 | ..... |
| ..... | Military personnel, Air Force (rescission) | ..... | ..... | -15,000,000 | -23,000,000 | -23,000,000 | -8,000,000 |
| | Total, Military personnel | ..... | ..... | -77,000,000 | -103,000,000 | -103,000,000 | -26,000,000 |
| | Operation and Maintenance | | | | | | |
| ..... | Operation and maintenance, Army (rescission) | ..... | ..... | -174,000,000 | -196,000,000 | -196,000,000 | -22,000,000 |
| ..... | Operation and maintenance, Navy (rescission) | ..... | ..... | -51,000,000 | -51,000,000 | -51,000,000 | ..... |
| ..... | Operation and maintenance, Marine Corps (rescission) | ..... | ..... | -17,000,000 | -3,000,000 | -3,000,000 | +14,000,000 |
| ..... | Operation and maintenance, Air Force (rescission) | ..... | ..... | -117,000,000 | -117,000,000 | -117,000,000 | ..... |
| 104-44 | Operation and maintenance, Defense-wide (rescission) | -10,000,000 | -10,000,000 | -25,000,000 | -25,000,000 | -15,000,000 | ..... |
| ..... | Environmental restoration, Army (rescission) | ..... | ..... | -250,000 | -250,000 | -250,000 | ..... |
| ..... | Environmental restoration, Navy (rescission) | ..... | ..... | -250,000 | -250,000 | -250,000 | ..... |
| ..... | Environmental restoration, Air Force (rescission) | ..... | ..... | -250,000 | -250,000 | -250,000 | ..... |
| ..... | Environmental restoration, Defense-wide (rescission).. | ..... | ..... | -250,000 | -250,000 | -250,000 | ..... |
| ..... | Environmental restoration, Formerly used defense sites (rescission) | ..... | ..... | ..... | -250,000 | -250,000 | -250,000 |
| ..... | Former Soviet Union threat reduction (rescission) | ..... | ..... | -2,000,000 | -2,000,000 | -2,000,000 | ..... |
| | Total, Operation and maintenance | -10,000,000 | -10,000,000 | -387,000,000 | -395,250,000 | -385,250,000 | -8,250,000 |
| | Procurement | | | | | | |
| ..... | Aircraft procurement, Army (rescission) | ..... | ..... | -9,085,000 | -19,085,000 | -19,085,000 | -10,000,000 |
| ..... | Missile procurement, Army (rescission) | ..... | ..... | -73,707,000 | -26,707,000 | -26,707,000 | +47,000,000 |
| ..... | Procurement of weapons and tracked combat vehicles, Army, (rescission) | ..... | ..... | -7,296,000 | -22,696,000 | -22,696,000 | -15,400,000 |
| ..... | Procurement of ammunition, Army (rescission) | ..... | ..... | -28,236,000 | -32,236,000 | -32,236,000 | -4,000,000 |

## EMERGENCY SUPPLEMENTALS AND RESCISSIONS APPROPRIATIONS ACT, FY 1997 (H.R. 1871) — continued

| Doc No. | | Supplemental Request | House | Senate | Conference | Conference compared with House | Conference compared with Senate |
|---|---|---|---|---|---|---|---|
| ..... | Other procurement, Army (rescission) | ..... | ..... | -23,502,000 | -23,502,000 | -23,502,000 | ..... |
| ..... | Aircraft procurement, Navy (rescission) | ..... | ..... | -62,000,000 | -86,000,000 | -86,000,000 | -24,000,000 |
| ..... | Weapons procurement, Navy (rescission) | ..... | ..... | -22,000,000 | -22,000,000 | -22,000,000 | ..... |
| ..... | Procurement of ammunition, Navy and Marine Corps (rescission) | ..... | ..... | -4,812,000 | -812,000 | -812,000 | +4,000,000 |
| ..... | Shipbuilding and conversion, Navy (rescission) | ..... | ..... | -43,000,000 | -61,700,000 | -61,700,000 | -18,700,000 |
| ..... | Other procurement, Navy (rescission) | ..... | ..... | -15,237,000 | -15,237,000 | -15,237,000 | ..... |
| ..... | Procurement, Marine Corps (rescission) | ..... | ..... | -5,207,000 | -1,207,000 | -1,207,000 | +4,000,000 |
| ..... | Aircraft procurement, Air Force (rescission) | ..... | ..... | -114,650,000 | -130,376,000 | -130,376,000 | -15,726,000 |
| ..... | Missile procurement, Air Force (rescission) | ..... | ..... | -193,195,000 | -179,020,000 | -179,020,000 | +14,175,000 |
| ..... | Procurement of ammunition, Air Force (rescission) | ..... | ..... | ..... | -7,700,000 | -7,700,000 | -7,700,000 |
| ..... | Other procurement, Air Force (rescission) | ..... | ..... | -20,659,000 | -33,659,000 | -33,659,000 | -13,000,000 |
| ..... | Procurement, Defense-wide (rescission) | ..... | ..... | -9,860,000 | -29,973,000 | -29,973,000 | -20,113,000 |
| 104-44 | National Guard and Reserve equipment (rescission) | -62,000,000 | ..... | -5,029,000 | -13,029,000 | -13,029,000 | -8,000,000 |
| | Total, Procurement | -62,000,000 | ..... | -637,475,000 | -704,939,000 | -704,939,000 | -67,464,000 |
| | Research, Development, Test and Evaluation | | | | | | |
| ..... | Research, development, test and evaluation, Army (rescission) | ..... | ..... | -14,366,000 | -22,366,000 | -22,366,000 | -8,000,000 |
| ..... | Research, development, test and evaluation, Navy (rescission) | ..... | ..... | -35,978,000 | -26,478,000 | -26,478,000 | +9,500,000 |
| ..... | Research, development, test and evaluation, Air Force (rescission) | ..... | ..... | -150,396,000 | -196,245,000 | -196,245,000 | -45,849,000 |
| ..... | Research, development, test and evaluation, Defense-wide (rescission) | ..... | ..... | -176,090,000 | -182,714,000 | -182,714,000 | -6,624,000 |
| ..... | Developmental test and evaluation, Defense (rescission) | ..... | ..... | -890,000 | -6,692,000 | -6,692,000 | -5,802,000 |
| ..... | Operational test and evaluation, Defense (rescission) | ..... | ..... | -160,000 | -160,000 | -160,000 | ..... |
| | Total, Research, development, test and evaluation | ..... | ..... | -377,880,000 | -434,655,000 | -434,655,000 | -56,775,000 |
| | Revolving and Management Fund | | | | | | |
| ..... | National Defense Sealift Fund (rescission) | ..... | ..... | -35,000,000 | -25,200,000 | -25,200,000 | +9,800,000 |
| | Other Department of Defense Programs | | | | | | |
| ..... | Defense health program (rescission) | ..... | ..... | ..... | -21,000,000 | -21,000,000 | -21,000,000 |
| ..... | Chemical agents and munitions destruction, Defense (rescission) | ..... | ..... | -48,108,000 | -48,108,000 | -48,108,000 | ..... |
| ..... | Drug interdiction and counter-drug activities, Defense (rescission) | ..... | ..... | -2,000,000 | -2,000,000 | -2,000,000 | ..... |
| | Total, Other Department of Defense programs | ..... | ..... | -50,108,000 | -71,108,000 | -71,108,000 | -21,000,000 |
| | General Provisions | | | | | | |
| 104-3 | DOD-wide savings proposals (offset) | -4,800,000,000 | ..... | ..... | ..... | ..... | ..... |
| ..... | Dual-use applications program (rescission) | ..... | ..... | -100,000,000 | ..... | ..... | +100,000,000 |
| ..... | Revised economic adjustments, FY 1997 (rescission) | ..... | -307,000,000 | ..... | ..... | +307,000,000 | ..... |
| ..... | Foreign currency savings, FY 1997 (rescission) | ..... | -308,000,000 | ..... | ..... | +308,000,000 | ..... |
| ..... | Prior year unobligated balances (rescission) | ..... | -246,367,000 | ..... | ..... | +246,367,000 | ..... |
| ..... | Prior year rescissions | ..... | -982,500,000 | ..... | ..... | +982,500,000 | ..... |
| ..... | Military construction, rescissions (sec. 201) | ..... | -180,000,000 | -235,000,000 | -189,000,000 | -9,000,000 | +46,000,000 |
| ..... | Military construction, Navy (rescission) (sec. 202) | ..... | -6,480,000 | -6,480,000 | -6,480,000 | ..... | ..... |
| | Total, general provisions | -4,800,000,000 | -2,030,347,000 | -341,480,000 | -195,480,000 | +1,834,867,000 | +146,000,000 |
| | Total, Chapter 2: | | | | | | |
| | New budget (obligational) authority | -4,872,000,000 | -2,040,347,000 | -1,905,943,000 | -1,929,632,000 | +110,715,000 | -23,689,000 |
| | Rescissions | (-72,000,000) | (-2,040,347,000) | (-1,905,943,000) | (-1,929,632,000) | (+110,715,000) | (-23,689,000) |
| | Offsets | (-4,800,000,000) | ..... | ..... | ..... | ..... | ..... |
| | Total, title I: | | | | | | |
| | Discretionary budget authority (net) | -2,773,786,000 | -467,000 | -100,463,000 | -152,000 | +315,000 | +100,311,000 |
| | Appropriations | (20,000,000) | (57,480,000) | (76,480,000) | (83,280,000) | (+25,800,000) | (+6,800,000) |
| | Rescissions | -72,000,000 | -2,040,347,000 | -1,905,943,000 | -1,929,632,000 | +110,715,000 | -23,689,000 |
| | Offsets | (-4,800,000,000) | ..... | ..... | ..... | ..... | ..... |
| | Emergency appropriations | (2,078,214,000) | (1,982,400,000) | (1,729,000,000) | (1,846,200,000) | (-136,200,000) | (+117,200,000) |
| | (By transfer) | ..... | (23,000,000) | (23,000,000) | (23,000,000) | ..... | ..... |

## EMERGENCY SUPPLEMENTALS AND RESCISSIONS APPROPRIATIONS ACT, FY 1997 (H.R. 1871) — continued

| Doc No. | | Supplemental Request | House | Senate | Conference | Conference compared with House | Conference compared with Senate |
|---|---|---|---|---|---|---|---|
| | TITLE II - EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR RECOVERY FROM NATURAL DISASTERS | | | | | | |
| | CHAPTER 1 | | | | | | |
| | DEPARTMENT OF AGRICULTURE | | | | | | |
| | Farm Service Agency | | | | | | |
| 104-58 | Emergency conservation program (emergency appropriations) | 20,000,000 | ..... | ..... | ..... | ..... | ..... |
| 104-58 | Contingent emergency appropriations | 17,000,000 | 65,000,000 | 77,000,000 | 70,000,000 | +5,000,000 | -7,000,000 |
| ..... | Tree assistance program (contingent emergency appropriations) | ..... | 9,000,000 | 9,500,000 | 9,000,000 | ..... | -500,000 |
| | Total, Farm Service Agency | 37,000,000 | 74,000,000 | 86,500,000 | 79,000,000 | +5,000,000 | -7,500,000 |
| | Agricultural Credit Insurance Fund Program Account | | | | | | |
| | Loan subsidies: | | | | | | |
| | Farm operating loans: | | | | | | |
| ..... | Direct | ..... | ..... | 12,600,000 | 6,300,000 | +6,300,000 | -6,300,000 |
| ..... | Guaranteed subsidized (contingent emergency appropriations) | ..... | ..... | 10,000,000 | 5,000,000 | +5,000,000 | -5,000,000 |
| | Subtotal | ..... | ..... | 22,600,000 | 11,300,000 | +11,300,000 | -11,300,000 |
| ..... | Emergency disaster loans (contingent emergency appropriations) | ..... | ..... | 18,000,000 | 18,000,000 | +18,000,000 | ..... |
| | Total, loan subsidies | ..... | ..... | 40,600,000 | 29,300,000 | +29,300,000 | -11,300,000 |
| | Loan authorizations: | | | | | | |
| | Farm operating loans: | | | | | | |
| ..... | Direct | ..... | ..... | (100,000,000) | (50,000,000) | (+50,000,000) | (-50,000,000) |
| ..... | Guaranteed subsidized | ..... | ..... | (110,000,000) | (55,000,000) | (+55,000,000) | (-55,000,000) |
| | Subtotal | ..... | ..... | (210,000,000) | (105,000,000) | (+105,000,000) | (-105,000,000) |
| ..... | Emergency disaster loans | ..... | ..... | (59,000,000) | (59,000,000) | (+59,000,000) | ..... |
| | Total, loan authorizations | ..... | ..... | (269,000,000) | (164,000,000) | (+164,000,000) | (-105,000,000) |
| | Commodity Credit Corporation Fund | | | | | | |
| | Disaster reserve assistance program: | | | | | | |
| ..... | Livestock indemnity program | ..... | ..... | ..... | (50,000,000) | (+50,000,000) | (+50,000,000) |
| | Natural Resources Conservation Service | | | | | | |
| 104-58 | Watershed and flood prevention operations (emergency appropriations) | 66,100,000 | ..... | ..... | ..... | ..... | ..... |
| 104-58 | Contingent emergency appropriations | 18,000,000 | 150,700,000 | 171,000,000 | 166,000,000 | +15,300,000 | -5,000,000 |
| | Total, Natural Resources Conservation Serivce | 84,100,000 | 150,700,000 | 171,000,000 | 166,000,000 | +15,300,000 | -5,000,000 |
| | Rural Housing Service | | | | | | |
| | Rural Housing Insurance Fund Program: | | | | | | |
| | Rental housing (sec. 515): | | | | | | |
| 104-58 | Loan subsidy (emergency appropriation) | 250,000 | ..... | 250,000 | ..... | ..... | -250,000 |
| 104-58 | (Loan authorization) | (488,000) | ..... | (488,000) | ..... | ..... | (-488,000) |
| 104-58 | Rural housing assistance program (emergency appropriations) | 750,000 | ..... | ..... | ..... | ..... | ..... |
| ..... | Contingent emergency appropriations | ..... | ..... | 4,000,000 | ..... | ..... | -4,000,000 |
| | Total, Rural Housing Service | 1,000,000 | ..... | 4,250,000 | ..... | ..... | -4,250,000 |
| | Rural Utilities Service | | | | | | |
| 104-58 | Rural utilities assistance program (emergency appropriations) | 1,000,000 | ..... | ..... | ..... | ..... | ..... |
| ..... | Contingent emergency appropriations | ..... | ..... | 6,500,000 | 4,000,000 | +4,000,000 | -2,500,000 |

## EMERGENCY SUPPLEMENTALS AND RESCISSIONS APPROPRIATIONS ACT, FY 1997 (H.R. 1871) — continued

| Doc No. | | Supplemental Request | House | Senate | Conference | Conference compared with House | Conference compared with Senate |
|---|---|---|---|---|---|---|---|
| | Food and Consumer Service | | | | | | |
| 104-3 | Child nutrition programs | 6,250,000 | ..... | ..... | ..... | ..... | ..... |
| 104-3 | Special supplemental nutrition program for women, infants, and children (WIC) | 100,000,000 | 76,000,000 | 58,000,000 | 76,000,000 | ..... | +18,000,000 |
| | Total, Food and Consumer Service | 106,250,000 | 76,000,000 | 58,000,000 | 76,000,000 | ..... | +18,000,000 |
| | Total, Chapter 1: | | | | | | |
| | New budget (obligational) authority | 229,350,000 | 300,700,000 | 366,850,000 | 354,300,000 | +53,600,000 | -12,550,000 |
| | Appropriations | (106,250,000) | (76,000,000) | (70,600,000) | (82,300,000) | (+6,300,000) | (+11,700,000) |
| | Emergency appropriations | (88,100,000) | ..... | (250,000) | ..... | ..... | (-250,000) |
| | Contingent emergency appropriations | (35,000,000) | (224,700,000) | (296,000,000) | (272,000,000) | (+47,300,000) | (-24,000,000) |
| | (Loan authorization) | (488,000) | ..... | (269,488,000) | (164,000,000) | (+164,000,000) | (-105,488,000) |
| | CHAPTER 2 | | | | | | |
| | DEPARTMENT OF COMMERCE | | | | | | |
| | Economic Development Administration | | | | | | |
| ..... | Economic development assistance programs (emergency appropriations) | ..... | ..... | 54,700,000 | 50,200,000 | +50,200,000 | -4,500,000 |
| ..... | Contingent emergency appropriations | ..... | 47,700,000 | ..... | ..... | -47,700,000 | ..... |
| 104-58 | (By transfer) | (1,200,000) | ..... | ..... | ..... | ..... | ..... |
| ..... | Salaries and expenses (emergency appropriations) | ..... | ..... | ..... | 2,000,000 | +2,000,000 | +2,000,000 |
| ..... | Contingent emergency appropriations | ..... | 2,000,000 | ..... | ..... | -2,000,000 | ..... |
| | Total, Economic Development Administration | ..... | 49,700,000 | 54,700,000 | 52,200,000 | +2,500,000 | -2,500,000 |
| | National Oceanic and Atmospheric Administration | | | | | | |
| 104-58 | Operations, research and facilities (emergency appropriations) | 12,000,000 | ..... | ..... | ..... | ..... | ..... |
| 104-58 | Construction (emergency appropriations) | 10,800,000 | 10,800,000 | 10,800,000 | 10,800,000 | ..... | ..... |
| | Total, National Oceanic and Atmospheric Administration | 22,800,000 | 10,800,000 | 10,800,000 | 10,800,000 | ..... | ..... |
| | Total, Department of Commerce | 22,800,000 | 60,500,000 | 65,500,000 | 63,000,000 | +2,500,000 | -2,500,000 |
| | DEPARTMENT OF STATE | | | | | | |
| | International Organizations and Conferences | | | | | | |
| ..... | Contributions to international organizations, current year assessment | ..... | ..... | 100,000,000 | ..... | ..... | -100,000,000 |
| 104-3 | Arrearage payments (advance appropriation, FY 1999) | 921,000,000 | ..... | ..... | ..... | ..... | ..... |
| | RELATED AGENCY | | | | | | |
| | Commission on the Advancement of Federal Law Enforcement | | | | | | |
| ..... | Salaries and expenses | ..... | 2,000,000 | ..... | 2,000,000 | ..... | +2,000,000 |
| | Total, Chapter 2: | | | | | | |
| | New budget (obligational) authority | 943,800,000 | 62,500,000 | 165,500,000 | 65,000,000 | +2,500,000 | -100,500,000 |
| | Appropriations | ..... | (2,000,000) | (100,000,000) | (2,000,000) | ..... | (-98,000,000) |
| | Emergency appropriations | (22,800,000) | (10,800,000) | (65,500,000) | (63,000,000) | (+52,200,000) | (-2,500,000) |
| | Contingent emergency appropriations | ..... | (49,700,000) | ..... | ..... | (-49,700,000) | ..... |
| | Advance appropriation, FY 1999 | (921,000,000) | ..... | ..... | ..... | ..... | ..... |
| | (By transfer) | (1,200,000) | ..... | ..... | ..... | ..... | ..... |
| | CHAPTER 2A | | | | | | |
| | FEDERAL FUNDS | | | | | | |
| ..... | Federal payment to the District of Columbia | ..... | ..... | 31,150,000 | ..... | ..... | -31,150,000 |
| | DISTRICT OF COLUMBIA FUNDS | | | | | | |
| ..... | Public safety and justice | ..... | ..... | (8,800,000) | ..... | ..... | (-8,800,000) |
| ..... | Capital outlay | ..... | ..... | (22,350,000) | ..... | ..... | (-22,350,000) |
| | Total, District of Columbia funds | ..... | ..... | (31,150,000) | ..... | ..... | (-31,150,000) |
| | CHAPTER 3 | | | | | | |
| | DEPARTMENT OF DEFENSE - CIVIL | | | | | | |
| | DEPARTMENT OF THE ARMY | | | | | | |
| | Corps of Engineers - Civil | | | | | | |
| ..... | Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee (emergency appropriations) | ..... | 20,000,000 | 20,000,000 | 20,000,000 | ..... | ..... |

## EMERGENCY SUPPLEMENTALS AND RESCISSIONS APPROPRIATIONS ACT, FY 1997 (H.R. 1871) — continued

| Doc No. | | Supplemental Request | House | Senate | Conference | Conference compared with House | Conference compared with Senate |
|---|---|---|---|---|---|---|---|
| 104-58 | Operation and maintenance, general (emergency appropriations) | 39,000,000 | 150,000,000 | 137,000,000 | 150,000,000 | | +13,000,000 |
| 104-58 | Flood control and coastal emergencies (emergency appropriations) | 201,700,000 | 415,000,000 | 390,000,000 | 415,000,000 | | +25,000,000 |
| 104-58 | Contingent emergency appropriations | 50,000,000 | | | | | |
| 104-58 | Advance appropriation, FY 1998 | 30,500,000 | | | | | |
| | Total, Department of Defense - Civil | 321,200,000 | 585,000,000 | 547,000,000 | 585,000,000 | | +38,000,000 |
| | DEPARTMENT OF THE INTERIOR | | | | | | |
| | Bureau of Reclamation | | | | | | |
| 104-58 | Operation and maintenance (emergency appropriations) | 4,500,000 | 7,355,000 | 7,355,000 | 7,355,000 | | |
| | DEPARTMENT OF ENERGY | | | | | | |
| 104-78 | Energy supply, research and development activities (by transfer) | (19,700,000) | | | | | |
| | Total, Chapter 3: | | | | | | |
| | New budget (obligational) authority | 325,700,000 | 592,355,000 | 554,355,000 | 592,355,000 | | +38,000,000 |
| | Emergency appropriations | (245,200,000) | (592,355,000) | (554,355,000) | (592,355,000) | | (+38,000,000) |
| | Contingent emergency appropriations | (50,000,000) | | | | | |
| | Advance appropriation, FY 1998 | (30,500,000) | | | | | |
| | (By transfer) | (19,700,000) | | | | | |
| | CHAPTER 5 | | | | | | |
| | DEPARTMENT OF THE INTERIOR | | | | | | |
| | Bureau of Land Management | | | | | | |
| | Construction (emergency appropriations) | | 1,793,000 | 393,000 | 393,000 | -1,400,000 | |
| 104-58 | (By transfer) (emergency appropriations) | (3,003,000) | (3,003,000) | (4,403,000) | (4,403,000) | (+1,400,000) | |
| | Total, Bureau of Land Management | | 1,793,000 | 393,000 | 393,000 | -1,400,000 | |
| | United States Fish and Wildlife Service | | | | | | |
| 104-58 | Resource management (emergency appropriations) | 2,000,000 | 2,250,000 | 8,350,000 | 5,300,000 | +3,050,000 | -3,050,000 |
| 104-58 | Construction (emergency appropriations) | 32,000,000 | 81,000,000 | 91,000,000 | 88,000,000 | +7,000,000 | -3,000,000 |
| 104-58 | Land acquisition (emergency appropriations) | 15,000,000 | 15,000,000 | 5,000,000 | 10,000,000 | -5,000,000 | +5,000,000 |
| | Total, United States Fish and Wildlife Service | 49,000,000 | 98,250,000 | 104,350,000 | 103,300,000 | +5,050,000 | -1,050,000 |
| | National Park Service | | | | | | |
| 104-58 | Construction | 10,000,000 | 10,000,000 | 10,000,000 | 10,000,000 | | |
| 104-58 | Emergency appropriations | 147,779,000 | 156,912,000 | 157,321,000 | 157,321,000 | +409,000 | |
| 104-58 | Contingent emergency appropriations | 30,000,000 | 30,000,000 | 30,000,000 | 30,000,000 | | |
| | Total, National Park Service | 187,779,000 | 196,912,000 | 197,321,000 | 197,321,000 | +409,000 | |
| | United States Geological Survey | | | | | | |
| 104-58 | Surveys, investigations, and research (emergency appropriations) | 1,300,000 | 4,290,000 | 4,650,000 | 4,650,000 | +360,000 | |
| | Bureau of Indian Affairs | | | | | | |
| 104-58 | Operation of Indian programs (emergency appropriations) | 5,800,000 | 11,100,000 | 14,317,000 | 14,317,000 | +3,217,000 | |
| 104-58 | Construction (emergency appropriations) | 5,000,000 | 5,554,000 | 6,249,000 | 6,249,000 | +695,000 | |
| | Total, Bureau of Indian Affairs | 10,800,000 | 16,654,000 | 20,566,000 | 20,566,000 | +3,912,000 | |
| | Total, Department of the Interior | 248,879,000 | 317,899,000 | 327,280,000 | 326,230,000 | +8,331,000 | -1,050,000 |
| | RELATED AGENCIES | | | | | | |
| | DEPARTMENT OF AGRICULTURE | | | | | | |
| | Forest Service | | | | | | |
| 104-58 | National forest system (emergency appropriations) | 25,000,000 | 37,107,000 | 39,677,000 | 39,677,000 | +2,570,000 | |
| 104-58 | Reconstruction and construction (emergency appropriations) | 13,000,000 | 32,334,000 | 27,685,000 | 27,685,000 | -4,649,000 | |
| | Total, Forest Service | 38,000,000 | 69,441,000 | 67,362,000 | 67,362,000 | -2,079,000 | |

## EMERGENCY SUPPLEMENTALS AND RESCISSIONS APPROPRIATIONS ACT, FY 1997 (H.R. 1871) — continued

| Doc No. | | Supplemental Request | House | Senate | Conference | Conference compared with House | Conference compared with Senate |
|---|---|---|---|---|---|---|---|
| | DEPARTMENT OF HEALTH AND HUMAN SERVICES | | | | | | |
| | Indian Health Service | | | | | | |
| ..... | Indian health services (emergency appropriations) | ..... | 1,000,000 | 1,000,000 | 1,000,000 | ..... | ..... |
| ..... | Indian health facilities (emergency appropriations) | ..... | 2,000,000 | 2,000,000 | 2,000,000 | ..... | ..... |
| | Total, Indian Health Service | ..... | 3,000,000 | 3,000,000 | 3,000,000 | ..... | ..... |
| | GENERAL PROVISIONS | | | | | | |
| ..... | Recreation fees (sec. 5001) | ..... | 7,000,000 | 7,000,000 | 7,000,000 | ..... | ..... |
| | Total, Chapter 5: | | | | | | |
| | New budget (obligational) authority | 286,879,000 | 397,340,000 | 404,642,000 | 403,592,000 | +6,252,000 | -1,050,000 |
| | Appropriations | (10,000,000) | (17,000,000) | (17,000,000) | (17,000,000) | ..... | ..... |
| | Emergency appropriations | (246,879,000) | (350,340,000) | (357,642,000) | (356,592,000) | (+6,252,000) | (-1,050,000) |
| | Contingent emergency appropriations | (30,000,000) | (30,000,000) | (30,000,000) | (30,000,000) | ..... | ..... |
| | (By transfer) (emergency appropriations) | (3,003,000) | (3,003,000) | (4,403,000) | (4,403,000) | (+1,400,000) | ..... |
| | CHAPTER 6 | | | | | | |
| | DEPARTMENT OF HEALTH AND HUMAN SERVICES | | | | | | |
| | Health Resources and Services Administration | | | | | | |
| ..... | Health education assistance loans program | ..... | ..... | 499,000 | 499,000 | +499,000 | ..... |
| | Office of the Secretary | | | | | | |
| ..... | Public health and social services emergency fund | ..... | ..... | ..... | 15,000,000 | +15,000,000 | +15,000,000 |
| ..... | Emergency appropriations | ..... | ..... | 15,000,000 | ..... | ..... | -15,000,000 |
| | Total, Department of Health and Human Services | ..... | ..... | 15,499,000 | 15,499,000 | +15,499,000 | ..... |
| | DEPARTMENT OF EDUCATION | | | | | | |
| ..... | Education for the disadvantaged | ..... | ..... | 585,000,000 | 101,133,000 | +101,133,000 | -483,867,000 |
| ..... | Advance appropriation, FY 1998 | ..... | ..... | -386,824,000 | ..... | ..... | +386,824,000 |
| | Total, Department of Education | ..... | ..... | 198,176,000 | 101,133,000 | +101,133,000 | -97,043,000 |
| | RELATED AGENCY | | | | | | |
| | National Commission on the Cost of Higher Education | | | | | | |
| ..... | Salaries and expenses | ..... | 650,000 | ..... | 650,000 | ..... | +650,000 |
| | GENERAL PROVISIONS | | | | | | |
| ..... | Child care and development block grant (sec. 6004) | ..... | ..... | 1,000,000 | 1,000,000 | +1,000,000 | ..... |
| ..... | Supplemental security income program (sec. 6005) | ..... | 240,000,000 | 240,000,000 | 240,000,000 | ..... | ..... |
| | Total, Chapter 6: | | | | | | |
| | New budget (obligational) authority | ..... | 240,650,000 | 454,675,000 | 358,282,000 | +117,632,000 | -96,393,000 |
| | Appropriations | ..... | (240,650,000) | (826,499,000) | (358,282,000) | (+117,632,000) | (-468,217,000) |
| | Emergency appropriations | ..... | ..... | (15,000,000) | ..... | ..... | (-15,000,000) |
| | Advance appropriation, FY 1998 | ..... | ..... | (-386,824,000) | ..... | ..... | (+386,824,000) |
| | CHAPTER 7 | | | | | | |
| | CONGRESSIONAL OPERATIONS | | | | | | |
| | SENATE | | | | | | |
| | Contingent Expenses of the Senate | | | | | | |
| ..... | Secretary of the Senate (by transfer) | ..... | ..... | (5,000,000) | (5,010,000) | (+5,010,000) | (+10,000) |
| | HOUSE OF REPRESENTATIVES | | | | | | |
| | Payments to Widows and Heirs of Deceased Members of Congress | | | | | | |
| ..... | Gratuities, deceased Members | ..... | ..... | ..... | 133,600 | +133,600 | +133,600 |
| | OTHER AGENCY | | | | | | |
| | BOTANIC GARDEN | | | | | | |
| ..... | Salaries and expenses | ..... | ..... | ..... | 33,500,000 | +33,500,000 | +33,500,000 |
| | Total, Chapter 7: | | | | | | |
| | New budget (obligational) authority | ..... | ..... | ..... | 33,633,600 | +33,633,600 | +33,633,600 |
| | (By transfer) | ..... | ..... | (5,000,000) | (5,010,000) | (+5,010,000) | (+10,000) |

## EMERGENCY SUPPLEMENTALS AND RESCISSIONS APPROPRIATIONS ACT, FY 1997 (H.R. 1871) — continued

| Doc No. | | Supplemental Request | House | Senate | Conference | Conference compared with House | Conference compared with Senate |
|---|---|---|---|---|---|---|---|
| | CHAPTER 8 | | | | | | |
| | DEPARTMENT OF TRANSPORTATION | | | | | | |
| | Coast Guard | | | | | | |
| ..... | Operating expenses | ..... | ..... | 6,473,000 | 1,600,000 | +1,600,000 | -4,873,000 |
| 104-3 | Retired pay | 4,200,000 | 4,200,000 | 4,200,000 | 9,200,000 | +5,000,000 | +5,000,000 |
| | Total, Coast Guard | 4,200,000 | 4,200,000 | 10,673,000 | 10,800,000 | +6,600,000 | +127,000 |
| | Federal Aviation Administration | | | | | | |
| ..... | Facilities and equipment (Airport and Airway Trust Fund) | ..... | 40,000,000 | ..... | ..... | -40,000,000 | ..... |
| ..... | Grants-in-aid for airports | ..... | ..... | 15,520,000 | ..... | ..... | -15,520,000 |
| | Federal Highway Administration | | | | | | |
| 104-58 | Federal-aid highways (Highway Trust Fund): Emergency relief program (emergency appropriations) | 276,000,000 | 276,000,000 | 276,000,000 | 650,000,000 | +374,000,000 | +374,000,000 |
| 104-58 | Contingent emergency appropriations | 15,000,000 | 374,000,000 | 374,000,000 | ..... | -374,000,000 | -374,000,000 |
| 104-3 | (Limitation on obligations) | (318,077,043) | (318,077,043) | (933,193,000) | (694,810,534) | (+376,733,491) | (-238,382,466) |
| | Total, Federal Highway Administration | 291,000,000 | 650,000,000 | 650,000,000 | 650,000,000 | ..... | ..... |
| | Federal Railroad Administration | | | | | | |
| ..... | Emergency railroad rehabilitation and repair (emergency appropriations) | ..... | ..... | ..... | 18,900,000 | +18,900,000 | +18,900,000 |
| ..... | Contingent emergency appropriations | ..... | 10,000,000 | 24,000,000 | ..... | -10,000,000 | -24,000,000 |
| | Total, Department of Transportation | 295,200,000 | 704,200,000 | 700,193,000 | 679,700,000 | -24,500,000 | -20,493,000 |
| | RELATED AGENCY | | | | | | |
| | National Transportation Safety Board | | | | | | |
| 104-3 | Salaries and expenses (emergency appropriations) | 20,200,000 | ..... | 14,100,000 | 29,859,000 | +29,859,000 | +15,759,000 |
| ..... | Contingent emergency appropriations | ..... | 23,300,000 | ..... | ..... | -23,300,000 | ..... |
| | GENERAL PROVISIONS | | | | | | |
| ..... | Highway traffic safety grants (Highway Trust Fund): Alcohol-impaired driving prevention incentive grants (sec. 8003) | ..... | 500,000 | 500,000 | 500,000 | ..... | ..... |
| ..... | National Driver Register (sec. 8004) | ..... | 2,500,000 | ..... | 2,500,000 | ..... | +2,500,000 |
| | Total, Chapter 8: | | | | | | |
| | New budget (obligational) authority | 315,400,000 | 730,500,000 | 714,793,000 | 712,559,000 | -17,941,000 | -2,234,000 |
| | Appropriations | (4,200,000) | (47,200,000) | (26,693,000) | (13,800,000) | (-33,400,000) | (-12,893,000) |
| | Emergency appropriations | (296,200,000) | (276,000,000) | (290,100,000) | (698,759,000) | (+422,759,000) | (+408,659,000) |
| | Contingent emergency appropriations | (15,000,000) | (407,300,000) | (398,000,000) | ..... | (-407,300,000) | (-398,000,000) |
| | (Limitation on obligations) | (318,077,043) | (318,077,043) | (933,193,000) | (694,810,534) | (+376,733,491) | (-238,382,466) |
| | CHAPTER 9 | | | | | | |
| | DEPARTMENT OF THE TREASURY | | | | | | |
| | Departmental Offices | | | | | | |
| ..... | Salaries and expenses | ..... | ..... | 1,950,000 | 1,950,000 | +1,950,000 | ..... |
| | U.S. POSTAL SERVICE | | | | | | |
| 104-3 | Payment to the Postal Service Fund | 5,383,000 | 5,300,000 | 5,383,000 | 5,383,000 | +83,000 | ..... |
| | FUNDS APPROPRIATED TO THE PRESIDENT | | | | | | |
| 104-71 | Unanticipated needs for natural disasters (emergency appropriations) | 200,000,000 | ..... | ..... | ..... | ..... | ..... |
| | INDEPENDENT AGENCY | | | | | | |
| 104-61 | Federal Election Commission | 1,709,000 | ..... | ..... | ..... | ..... | ..... |
| | Total, Chapter 9: | | | | | | |
| | New budget (obligational) authority | 207,092,000 | 5,300,000 | 7,333,000 | 7,333,000 | +2,033,000 | ..... |
| | Appropriations | (7,092,000) | (5,300,000) | (7,333,000) | (7,333,000) | (+2,033,000) | ..... |
| | Emergency appropriations | (200,000,000) | ..... | ..... | ..... | ..... | ..... |
| | CHAPTER 10 | | | | | | |
| | DEPARTMENT OF VETERANS AFFAIRS | | | | | | |
| | Veterans Benefits Administration | | | | | | |
| 104-3 | Compensation and pensions | 753,000,000 | 753,000,000 | 753,000,000 | 928,000,000 | +175,000,000 | +175,000,000 |

## EMERGENCY SUPPLEMENTALS AND RESCISSIONS APPROPRIATIONS ACT, FY 1997 (H.R. 1871) — continued

| Doc No. | | Supplemental Request | House | Senate | Conference | Conference compared with House | Conference compared with Senate |
|---|---|---|---|---|---|---|---|
| | DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT | | | | | | |
| | Housing Programs | | | | | | |
| ..... | Preserving existing housing investment | ..... | 3,500,000 | ..... | 3,500,000 | ..... | +3,500,000 |
| 104-3 | Drug elimination grants for low-income housing (by transfer) | (30,200,000) | (30,200,000) | ..... | ..... | (-30,200,000) | ..... |
| | Capacity Building for Community Development and Affordable Housing | | | | | | |
| ..... | National community development initiative (by transfer) | ..... | ..... | (30,200,000) | (30,200,000) | (+30,200,000) | ..... |
| | Community Planning and Development | | | | | | |
| 104-71 | Community development block grants fund (emergency appropriations) | 100,000,000 | 500,000,000 | 500,000,000 | 250,000,000 | -250,000,000 | -250,000,000 |
| ..... | Emergency advance appropriation, FY 1998 | ..... | ..... | ..... | 250,000,000 | +250,000,000 | +250,000,000 |
| | Total, Department of Housing and Urban Development | 100,000,000 | 503,500,000 | 500,000,000 | 503,500,000 | ..... | +3,500,000 |
| | INDEPENDENT AGENCY | | | | | | |
| | Federal Emergency Management Agency | | | | | | |
| 104-95 | | | | | | | |
| 104-58 | Disaster relief (emergency appropriations) | 3,487,677,000 | 3,067,677,000 | 3,100,000,000 | 3,300,000,000 | +232,323,000 | +200,000,000 |
| | Disaster assistance direct loan program account: | | | | | | |
| ..... | Community disaster loans (by transfer) (contingent emergency appropriations) | ..... | ..... | (20,000,000) | (20,000,000) | (+20,000,000) | ..... |
| ..... | Salaries and expenses | ..... | 5,000,000 | ..... | ..... | -5,000,000 | ..... |
| | Total, Federal Emergency Management Agency | 3,487,677,000 | 3,072,677,000 | 3,100,000,000 | 3,300,000,000 | +227,323,000 | +200,000,000 |
| | Total, Chapter 10: | | | | | | |
| | New budget (obligational) authority | 4,340,677,000 | 4,329,177,000 | 4,353,000,000 | 4,731,500,000 | +402,323,000 | +378,500,000 |
| | Appropriations | (753,000,000) | (761,500,000) | (753,000,000) | (931,500,000) | (+170,000,000) | (+178,500,000) |
| | Emergency appropriations | (3,587,677,000) | (3,567,677,000) | (3,600,000,000) | (3,550,000,000) | (-17,677,000) | (-50,000,000) |
| | Contingent emergency appropriations | ..... | ..... | ..... | ..... | ..... | ..... |
| | Emergency advance appropriation, FY 1998 | ..... | ..... | ..... | (250,000,000) | (+250,000,000) | (+250,000,000) |
| | (By transfer) | (30,200,000) | (30,200,000) | (30,200,000) | (30,200,000) | ..... | ..... |
| | (By transfer) (contingent emergency appropriations) | ..... | ..... | (20,000,000) | (20,000,000) | (+20,000,000) | ..... |
| | CHAPTER 11 | | | | | | |
| | OFFSETS AND RESCISSIONS | | | | | | |
| | DEPARTMENT OF AGRICULTURE | | | | | | |
| | Office of the Secretary | | | | | | |
| ..... | Fund For Rural America (offset) | ..... | -20,000,000 | ..... | -20,000,000 | ..... | -20,000,000 |
| | Natural Resources Conservation Service | | | | | | |
| ..... | Wetlands reserve program (offset) | ..... | -19,000,000 | ..... | ..... | +19,000,000 | ..... |
| | Food and Consumer Service | | | | | | |
| 104-3 | The emergency food assistance program (offset) | -6,000,000 | -20,000,000 | -20,000,000 | -20,000,000 | ..... | ..... |
| | Foreign Agricultural Service | | | | | | |
| ..... | Export credit (offset) | ..... | -16,000,000 | -16,000,000 | ..... | +16,000,000 | +16,000,000 |
| ..... | Export enhancement program (offset) | ..... | -23,000,000 | -13,000,000 | ..... | +23,000,000 | +13,000,000 |
| | Total, Foreign Agricultural Service | ..... | -39,000,000 | -29,000,000 | ..... | +39,000,000 | +29,000,000 |
| | Public Law 480 Program Account: | | | | | | |
| | Title I - Credit sales: | | | | | | |
| 104-44 | Ocean freight differential (rescission) | -3,500,000 | ..... | ..... | ..... | ..... | ..... |
| 104-44 | Loan subsidies (rescission) | -46,500,000 | ..... | ..... | ..... | ..... | ..... |
| | Total, Public Law 480 program account | -50,000,000 | ..... | ..... | ..... | ..... | ..... |
| | Total, Department of Agriculture | -56,000,000 | -98,000,000 | -49,000,000 | -40,000,000 | +58,000,000 | +9,000,000 |
| | DEPARTMENT OF JUSTICE | | | | | | |
| | General Administration | | | | | | |
| 104-44 | Working capital fund (rescission) | -6,400,000 | -6,400,000 | -6,400,000 | -6,400,000 | ..... | ..... |
| | Legal Activities | | | | | | |
| ..... | Assets forfeiture fund (rescission) | ..... | -3,000,000 | ..... | -3,000,000 | ..... | -3,000,000 |

## EMERGENCY SUPPLEMENTALS AND RESCISSIONS APPROPRIATIONS ACT, FY 1997 (H.R. 1871) — continued

| Doc No. | | Supplemental Request | House | Senate | Conference | Conference compared with House | Conference compared with Senate |
|---|---|---|---|---|---|---|---|
| | Immigration and Naturalization Service | | | | | | |
| ..... | Construction (rescission) | ..... | -1,000,000 | ..... | -1,000,000 | ..... | -1,000,000 |
| | Total, Department of Justice | -6,400,000 | -10,400,000 | -6,400,000 | -10,400,000 | ..... | -4,000,000 |
| | DEPARTMENT OF COMMERCE | | | | | | |
| | National Institute of Standards and Technology | | | | | | |
| ..... | Industrial technology services (rescission) | ..... | -7,000,000 | ..... | -7,000,000 | ..... | -7,000,000 |
| | National Oceanic and Atmospheric Administration | | | | | | |
| ..... | Fleet modernization, shipbuilding and conversion (rescission) | ..... | -2,000,000 | ..... | ..... | +2,000,000 | ..... |
| | Total, Department of Commerce | ..... | -9,000,000 | ..... | -7,000,000 | +2,000,000 | -7,000,000 |
| | RELATED AGENCIES | | | | | | |
| | Federal Communications Commission | | | | | | |
| ..... | Salaries and expenses (rescission) | ..... | -1,000,000 | ..... | -1,000,000 | ..... | -1,000,000 |
| | Ounce of Prevention Council | | | | | | |
| ..... | Direct appropriation (rescission) | ..... | -1,000,000 | ..... | -1,000,000 | ..... | -1,000,000 |
| | Total, related agencies | ..... | -2,000,000 | ..... | -2,000,000 | ..... | -2,000,000 |
| | DEPARTMENT OF DEFENSE - CIVIL | | | | | | |
| | DEPARTMENT OF THE ARMY | | | | | | |
| | Corps of Engineers - Civil | | | | | | |
| 104-3 | Construction, general (offset) | -50,000,000 | ..... | -30,000,000 | ..... | ..... | +30,000,000 |
| | DEPARTMENT OF ENERGY | | | | | | |
| ..... | Energy supply, research and development activities (rescission) | ..... | -22,532,000 | ..... | -11,180,000 | +11,352,000 | -11,180,000 |
| | Power Marketing Administrations | | | | | | |
| 104-44 | Construction, rehabilitation, operation and maintenance, Western Area Power Administration (rescission) | -2,111,000 | ..... | ..... | -11,352,000 | -11,352,000 | -11,352,000 |
| | Total, Department of Energy | -2,111,000 | -22,532,000 | ..... | -22,532,000 | ..... | -22,532,000 |
| | DEPARTMENT OF ENERGY | | | | | | |
| 104-57 | Clean coal technology (rescission) | -10,000,000 | -17,000,000 | -17,000,000 | -17,000,000 | ..... | ..... |
| 104-44 | Strategic petroleum reserve (rescission) | -11,000,000 | -11,000,000 | -11,000,000 | -11,000,000 | ..... | ..... |
| | Total, Department of Energy | -21,000,000 | -28,000,000 | -28,000,000 | -28,000,000 | ..... | ..... |
| | DEPARTMENT OF HEALTH AND HUMAN SERVICES | | | | | | |
| | Administration for Children and Families | | | | | | |
| ..... | Job opportunities and basic skills (JOBS) (offset) | ..... | -700,000,000 | -700,000,000 | -700,000,000 | ..... | ..... |
| | DEPARTMENT OF EDUCATION | | | | | | |
| ..... | Federal family education loan program account (rescission) | ..... | -849,000 | ..... | ..... | +849,000 | ..... |
| | DEPARTMENT OF TRANSPORTATION | | | | | | |
| | Federal Aviation Administration | | | | | | |
| ..... | Grants-in-aid for airports (Airport and Airway Trust Fund) (rescission of contract authorization) | ..... | ..... | -778,000,000 | -750,000,000 | -750,000,000 | +28,000,000 |
| | National Highway Traffic Safety Administration | | | | | | |
| ..... | Highway traffic safety grants (Highway Trust Fund) (rescission of contract authorization) | ..... | ..... | -10,600,000 | -13,000,000 | -13,000,000 | -2,400,000 |
| | Federal Transit Administration | | | | | | |
| ..... | Trust fund share of expenses (Highway Trust Fund) (rescission of contract authorization) | ..... | ..... | -271,000,000 | -271,000,000 | -271,000,000 | ..... |
| ..... | Discretionary grants (Highway Trust Fund) (rescission of contract authorization) | ..... | ..... | -588,000,000 | -588,000,000 | -588,000,000 | ..... |
| | Total, Federal Transit Administration | ..... | ..... | -859,000,000 | -859,000,000 | -859,000,000 | ..... |
| | Total, Department of Transportation | ..... | ..... | -1,647,600,000 | -1,622,000,000 | -1,622,000,000 | +25,600,000 |

## EMERGENCY SUPPLEMENTALS AND RESCISSIONS APPROPRIATIONS ACT, FY 1997 (H.R. 1871) — continued

| Doc No. | | Supplemental Request | House | Senate | Conference | Conference compared with House | Conference compared with Senate |
|---|---|---|---|---|---|---|---|
| | INDEPENDENT AGENCY | | | | | | |
| | General Services Administration | | | | | | |
| | Federal Buildings Fund: | | | | | | |
| ..... | Repairs and alterations (rescission) | ..... | -1,400,000 | ..... | ..... | +1,400,000 | ..... |
| 104-44 | Expenses, presidential transition (rescission) | -5,600,000 | -5,600,000 | -5,600,000 | -5,600,000 | ..... | ..... |
| | Total, General Services Administration | -5,600,000 | -7,000,000 | -5,600,000 | -5,600,000 | +1,400,000 | ..... |
| | DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT | | | | | | |
| | Housing Programs | | | | | | |
| 104-44 | Annual contributions for assisted housing (rescission) | -250,000,000 | -3,823,440,000 | -3,650,000,000 | -3,650,000,000 | +173,440,000 | ..... |
| | Federal Housing Administration | | | | | | |
| | FHA - General and special risk program account: | | | | | | |
| ..... | Rescission | ..... | ..... | -85,000,000 | ..... | ..... | +85,000,000 |
| | Total, Department of Housing and Urban Development | -250,000,000 | -3,823,440,000 | -3,735,000,000 | -3,650,000,000 | +173,440,000 | +85,000,000 |
| | INDEPENDENT AGENCIES | | | | | | |
| | Federal Emergency Management Agency | | | | | | |
| ..... | Salaries and expenses (emergency rescission) | ..... | ..... | -5,000,000 | ..... | ..... | +5,000,000 |
| | National Aeronautics and Space Administration | | | | | | |
| ..... | National aeronautics facilities (rescission of advance appropriation, FY 1998) | ..... | -38,000,000 | -365,000,000 | -365,000,000 | -327,000,000 | ..... |
| | Funds Appropriated to the President | | | | | | |
| ..... | Unanticipated needs (emergency rescission) | ..... | ..... | -4,200,000 | -4,200,000 | -4,200,000 | ..... |
| | Total, Chapter 11: | | | | | | |
| | New budget (obligational) authority | -391,111,000 | -4,739,221,000 | -6,575,800,000 | -6,456,732,000 | -1,717,511,000 | +119,068,000 |
| | Rescissions | (-335,111,000) | (-3,903,221,000) | (-3,775,000,000) | (-3,725,532,000) | (+177,689,000) | (+49,468,000) |
| | Rescission of contract authorization | ..... | ..... | (-1,647,600,000) | (-1,622,000,000) | (-1,622,000,000) | (+25,600,000) |
| | Rescission of advance appropriation | ..... | (-38,000,000) | (-365,000,000) | (-365,000,000) | (-327,000,000) | ..... |
| | Offsets | (-56,000,000) | (-798,000,000) | (-779,000,000) | (-740,000,000) | (+58,000,000) | (+39,000,000) |
| | Emergency rescissions | ..... | ..... | (-9,200,000) | (-4,200,000) | (-4,200,000) | (+5,000,000) |
| | Total, title II: | | | | | | |
| | Discretionary budget authority (net) | 5,500,587,000 | 1,162,101,000 | -280,702,000 | -135,511,000 | -1,297,612,000 | +145,191,000 |
| | Appropriations | (123,342,000) | (392,450,000) | (1,075,075,000) | (508,515,000) | (+116,065,000) | (-566,560,000) |
| | Rescissions | (-335,111,000) | (-3,903,221,000) | (-3,775,000,000) | (-3,725,532,000) | (+177,689,000) | (+49,468,000) |
| | Rescission of contract authorization | ..... | ..... | (-1,647,600,000) | (-1,622,000,000) | (-1,622,000,000) | (+25,600,000) |
| | Offsets | (-56,000,000) | (-798,000,000) | (-779,000,000) | (-740,000,000) | (+58,000,000) | (+39,000,000) |
| | Emergency appropriations | (4,686,856,000) | (4,797,172,000) | (4,882,847,000) | (5,260,706,000) | (+463,534,000) | (+377,859,000) |
| | Contingent emergency appropriations | (130,000,000) | (711,700,000) | (724,000,000) | (302,000,000) | (-409,700,000) | (-422,000,000) |
| | Emergency rescissions | ..... | ..... | (-9,200,000) | (-4,200,000) | (-4,200,000) | (+5,000,000) |
| | Advance appropriation, FY 1998 | (30,500,000) | ..... | (-386,824,000) | ..... | ..... | (+386,824,000) |
| | Advance appropriation, FY 1999 | (921,000,000) | ..... | ..... | ..... | ..... | ..... |
| | Emergency advance appropriation, FY 1998 | ..... | ..... | ..... | (250,000,000) | (+250,000,000) | (+250,000,000) |
| | Rescission of advance appropriation | ..... | (-38,000,000) | (-365,000,000) | (-365,000,000) | (-327,000,000) | ..... |
| | (Limitation on obligations) | (318,077,043) | (318,077,043) | (933,193,000) | (694,810,534) | (+376,733,491) | (-238,382,466) |
| | (Loan authorization) | (488,000) | ..... | (269,488,000) | (164,000,000) | (+164,000,000) | (-105,488,000) |
| | (By transfer) | (51,100,000) | (30,200,000) | (35,200,000) | (35,210,000) | (+5,010,000) | (+10,000) |
| | (By transfer) (emergency appropriations) | (3,003,000) | (3,003,000) | (4,403,000) | (4,403,000) | (+1,400,000) | ..... |
| | (By transfer) (contingent emergency appropriations) | ..... | ..... | (20,000,000) | (20,000,000) | (+20,000,000) | ..... |
| | Mandatory budget authority | 757,200,000 | 757,200,000 | 757,200,000 | 937,333,600 | +180,133,600 | +180,133,600 |
| | Grand total, all titles: | | | | | | |
| | Discretionary budget authority (net) | 2,726,801,000 | 1,161,634,000 | -381,165,000 | -135,663,000 | -1,297,297,000 | +245,502,000 |
| | Appropriations | (143,342,000) | (449,930,000) | (1,151,555,000) | (591,795,000) | (+141,865,000) | (-559,760,000) |
| | Rescissions | (-407,111,000) | (-5,943,568,000) | (-5,680,943,000) | (-5,655,164,000) | (+288,404,000) | (+25,779,000) |
| | Rescission of contract authorization | ..... | ..... | (-1,647,600,000) | (-1,622,000,000) | (-1,622,000,000) | (+25,600,000) |
| | Offsets | (-4,856,000,000) | (-798,000,000) | (-779,000,000) | (-740,000,000) | (+58,000,000) | (+39,000,000) |
| | Emergency appropriations | (6,765,070,000) | (6,779,572,000) | (6,611,847,000) | (7,106,906,000) | (+327,334,000) | (+495,059,000) |
| | Contingent emergency appropriations | (130,000,000) | (711,700,000) | (724,000,000) | (302,000,000) | (-409,700,000) | (-422,000,000) |
| | Emergency rescissions | ..... | ..... | (-9,200,000) | (-4,200,000) | (-4,200,000) | (+5,000,000) |
| | Advance appropriation, FY 1998 | (30,500,000) | ..... | (-386,824,000) | ..... | ..... | (+386,824,000) |
| | Advance appropriation, FY 1999 | (921,000,000) | ..... | ..... | ..... | ..... | ..... |
| | Emergency advance appropriation, FY 1998 | ..... | ..... | ..... | (250,000,000) | (+250,000,000) | (+250,000,000) |
| | Rescission of advance appropriation | ..... | (-38,000,000) | (-365,000,000) | (-365,000,000) | (-327,000,000) | ..... |
| | (Limitation on obligations) | (318,077,043) | (318,077,043) | (933,193,000) | (694,810,534) | (+376,733,491) | (-238,382,466) |
| | (Loan authorization) | (488,000) | ..... | (269,488,000) | (164,000,000) | (+164,000,000) | (-105,488,000) |
| | (By transfer) | (51,100,000) | (53,200,000) | (58,200,000) | (58,210,000) | (+5,010,000) | (+10,000) |
| | (By transfer) (emergency appropriations) | (3,003,000) | (3,003,000) | (4,403,000) | (4,403,000) | (+1,400,000) | ..... |
| | (By transfer) (contingent emergency appropriations) | ..... | ..... | (20,000,000) | (20,000,000) | (+20,000,000) | ..... |

## EMERGENCY SUPPLEMENTALS AND RESCISSIONS APPROPRIATIONS ACT, FY 1997 (H.R. 1871) — continued

| | Supplemental Request | House | Senate | Conference | Conference compared with House | Conference compared with Senate |
|---|---|---|---|---|---|---|
| Mandatory budget authority | 757,200,000 | 757,200,000 | 757,200,000 | 937,333,600 | +180,133,600 | +180,133,600 |
| Total appropriations in bill (net) | 3,484,001,000 | 1,918,834,000 | 376,035,000 | 801,670,600 | -1,117,163,400 | +425,635,600 |
| SUMMARY OF 1997 SPENDING | | | | | | |
| Total discretionary spending, title I | 2,098,214,000 | 2,039,880,000 | 1,805,480,000 | 1,929,480,000 | -110,400,000 | +124,000,000 |
| Total rescissions and offsets, title I | -4,872,000,000 | -2,040,347,000 | -1,905,943,000 | -1,929,632,000 | +110,715,000 | -23,689,000 |
| Total discretionary spending, title II | 4,940,198,000 | 5,901,322,000 | 6,681,922,000 | 6,071,221,000 | +169,899,000 | -610,701,000 |
| Total rescissions and offsets, title II | -391,111,000 | -4,701,221,000 | -6,210,800,000 | -6,091,732,000 | -1,390,511,000 | +119,068,000 |
| Total mandatory spending, title II | 757,200,000 | 757,200,000 | 757,200,000 | 937,333,600 | +180,133,600 | +180,133,600 |
| Total spending in bill | 7,795,612,000 | 8,698,402,000 | 9,244,602,000 | 8,938,034,600 | +239,632,600 | -306,567,400 |

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

Mr. OBEY. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, I would simply like to say that at long, long last I am very happy that we are here in this posture. As the gentleman from Louisiana has indicated, almost 90 days ago the President of the United States asked the Congress to do essentially two things: He asked us to appropriate additional funds in order to meet the disaster needs around the country because various States had experienced severe flooding and other natural disasters; and he asked this Congress to supply the additional funds needed to fulfill our obligations in Bosnia so that the Pentagon would not have to stand down on crucial training exercises and a variety of other activities needed to maintain our military state of readiness.

I want to say that I think the majority on the committee tried to respond to that request in an absolutely straightforward and nonpartisan fashion. I think that the majority on the committee tried to do its duty, as we did on our side of the aisle in the committee. I have noted before my favorite philosopher is Archie the cockroach, and Archie the cockroach said once that somebody is born so unlucky he runs into accidents that started out to happen to somebody else.

That is what sort of happened to this bill. Because along the way, the leadership of the Republican Party in this House insisted that two unrelated provisions be added to the bill, and then another item was added in the Senate. When that happened, the President made quite clear that it was unacceptable to him to add those unrelated items as well as some others, and asked the Congress not to do that so that the needed emergency relief could immediately be gotten to the people who were most in need of it.

That unfortunately did not happen. Last week before we sent this bill to the President, I stood exactly where I am standing now and I urged the House, as did the gentleman from Louisiana on a previous occasion, to simply pass a stripped-down, clean version of this emergency supplemental so that we could in essence end what amounted, what was tantamount to a second government shutdown for the persons in the regions of the country who were affected by these natural disasters. I indicated that if we did not do that last week, we would most assuredly be here this week doing what we should have done last week.

Unfortunately, it has taken a Presidential veto to bring the Congress to its senses, and now we are finally proceeding the way we ought to proceed.

This proposal will meet the disaster needs of the country. It will meet the needs of the Pentagon, and it will also require a report from the administration on how they intend to proceed in dealing with the next census. I think we have reached a reasonable bipartisan accommodation at long last.

I would simply say that I guess what this episode reminded me of is Franklin Roosevelt's speech on Lend Lease a long time ago when he asked, ''If your neighbor's House was on fire, would you not lend him your garden hose?'' Well, this time around, lots of our neighbors had lost their houses. They had lost their farms. They were looking for help, but still that help was being held up. It was almost as though people were saying, ''Well, we will get you some relief for the fire but first we have to paint the fire engine a different color. We have to get a different crew on the truck.''

Finally, at long last, I think that that unfortunate business is behind us, and I want to simply congratulate the President for doing what was right. I want to congratulate the committee leadership for in all cases trying to do what it knew was right. And I want to congratulate those Members of the Republican Party who indicated by their uneasiness through the last week that they wanted a different direction from that that was being provided by their leadership and by the House.

I also want to frankly thank the American public, because I think if the American public had not spoken out the way they did, chances are we would not be here today. I think people saw that, I think the American public recognized that what was happening here was wrong, that it needed to be corrected. I am happy that we can bring a vehicle to the House floor that will provide that correction.

I congratulate the gentleman from Louisiana and his staff for bringing this forward. I hope that we can get on with providing finally the relief that is needed to the sections of the country which have experienced such devastating natural disasters over the past several months.

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

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

I rise for a colloquy with the gentleman from Louisiana, chairman of the committee.

I would like to discuss my understanding about the intentions of the conferees regarding section 4001 on assistance to Ukraine. Mr. Speaker, the language indicates that the President may waive the minimum funding requirements in subsection (k) of the 1997 Foreign Operations, Export Financing and Related Programs Act for activities of the Government of Ukraine. It is my understanding that this language is intended to apply to all the minimum funding requirements in that subsection, including the overall amount of $225 million for Ukraine. Is that the chairman's understanding as well?

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

Mr. OBEY. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Speaker, as the gentleman has indicated, I agree with his interpretation. The language of section 4001 is intended, indeed, to give the President the authority to waive all the minimum funding requirements in subsection (k) of the 1997 act, including the overall earmark. The phrase ''for activities for the Government of Ukraine'' is intended to extend to the entire assistance program and, therefore, could apply to the overall $225 million earmarked for the Ukraine.

Mr. OBEY. Mr. Speaker, I thank the gentleman for his clarification. I would strongly urge the State Department to exercise the full authority granted by this section.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Speaker, strolling over from Committee on Agriculture markup, which is what we are in right now, I could not help but notice, unlike just a short while earlier when it was overcast and kind of drizzling a little, the sky had cleared. The sun was shining.

□ 1615

And I thought this is some signal just to what is occurring on the floor of the House and the Senate right now.

We have a disaster bill urgently needed, and I believe within a few minutes there will be a strong bipartisan vote to do what Congress needs to do and get help directly on the way to those so damaged by these floods. The sky is beginning to clear over this Chamber. The light of good legislation at last is beginning to shine again.

It should not have been this hard. It should not have been this rancorous. But what counts is getting the job done, and what will matter so much to the people I represent in the flood-afflicted area in the next month, the month after that, next year, perhaps the year after that, is that this body finally did act, and acted in a way that provided very meaningful assistance at a time when our need was so substantial.

Mr. Speaker, I want to urge all my colleagues to put the past weeks of debate behind us, then stroll to the voting machines and pass a very large, very strong vote in favor of this disaster relief.

The construction of the bill was the mark of a solid bipartisan effort. We have so appreciated the support of the majority and the minority as we built the package. We will enjoy and deeply appreciate the support of the majority and the minority as we pass the package. And I personally want to extend my appreciation to each Member who has helped us along the way.

Mr. OBEY. Mr. Chairman, I yield myself 1 minute.

Mr. Speaker, I forgot to do something, at least with clarity, and I would simply like to make sure that Members understand exactly what is in this bill.

This is the same bill as the conference agreement: $8.6 billion in disaster relief and funding for Bosnian reimbursement to the Pentagon, minus three controversial riders.

The rider dealing with rights-of-way on public lands has been eliminated; the rider on the census has been eliminated and, instead, there will be a report required from the administration indicating how they intend to proceed in conducting that census; and, third, the automatic CR rider, which was also extremely contentious.

Other than that, this is identical to the conference report.

Mr. Speaker, I yield 4 minutes to the gentleman from Michigan [Mr. BONIOR], the distinguished minority whip.

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

Let me begin by saying that this appears to be a victory for many, many people today; certainly those who have suffered because of the floods, particularly in the upper Midwest, the Dakotas and Minnesota. People who have lost their homes and their businesses and their farms and their lives being askew because of the disaster that hit them, we have provided them with hope today. We have provided them with some assistance, or we will be in just a few seconds. So they seem to finally have gotten what they have needed all along, immediate relief for the emergency that they are now suffering.

It is also a victory in many ways for the environment, because the rider on the public lands issue has been taken from this bill. For those who care about our environment and our public lands, they ought to feel good about what has happened today.

It is a victory for those who care about an accurate census, so that the American people will not have to go through a situation in which all Americans will not be counted.

It is also a victory today, I might add, for those who care about education. Because under the automatic CR language that our Republican colleagues were insisting upon, we would have had roughly 375,000 students not receive Pell Grants in this country.

So there are many people who will benefit by the action that will be taken here in just a few minutes. I want to congratulate several people. First of all, let me congratulate the President for staying tough and hanging tough and doing the right thing by insisting we just do emergency supplementals for those who need it.

Let me also suggest that those Representatives and Members of the other body from the Dakotas and Minnesota, our Minnesota colleagues, the gentlemen from North Dakota, Mr. POMEROY, Mr. DORGAN, Mr. CONRAD, and the gentleman from Minnesota, Mr. WELLSTONE, and others who really fought this battle and made a case so strong for their people, we congratulate them.

I also want to thank my colleagues on this side of the aisle, the chairman of the committee, and those 20 Republicans who stood up and said, listen, this is a kind of lunacy; let us put these riders aside and let us get on with taking care of the needs of these people who are suffering so much and our troops who are stationed overseas in Bosnia who need our support. They stepped up in a very difficult situation, and I congratulate them.

Let me also say to my friend from Wisconsin, who has led this battle on the floor now for 3 weeks, we thank him for his diligence and for his fight on this, because he has raised this issue in a way that I think recognizes the legitimate concerns of our colleagues on both sides of the aisle and the need to move forward in a way that will preserve our ability to act in a legitimate way on other issues down the road.

So, in conclusion, Mr. Speaker, I thank the gentleman for his time, and I commend the House for moving forward this bill in short order, so we can get it to the President's desk for his signature and our troops in Bosnia and our flood victims can have the relief and the support that they need.

Mr. LIVINGSTON. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas [Mr. TIAHRT], a distinguished member of the Committee on Appropriations.

Mr. TIAHRT. Mr. Speaker, I would like to talk a little bit about what the gentleman from Wisconsin said about why this bill was vetoed in the first place. He mentioned the census sampling that we had in there. What we were trying to do was basically say that we do not want sampling when it comes to the census.

We have a constitutional requirement that says actual enumeration. It means you cannot use sampling. We were trying to follow the Constitution. I know that is sometimes frustrating, but we ought to do it here in America.

The other one was the continuing resolution that said basically that while we are trying to negotiate our differences between the Congress and the President, that we will not shut the government down, we will just continue the government at fiscal year 1997 levels.

The President decided that was a key factor in why he should veto this legislation. It was not because we are going to spend $3.4 billion to pay disaster assistance. We went above and beyond the President's request for disaster assistance. We reached out to the people who were in need and said we will help them relocate. No, instead, he wanted the ability to shut the government down and so he vetoed the legislation.

It was not because we added in $76 million for the women, infants and children's program, it was not that reason he vetoed it. He vetoed it because he wanted the ability to shut the government down.

On January 3, 1996, President Clinton said, ''It is deeply wrong to shut the government down while we negotiate. I will continue to do everything I can in good faith in order to reach an agreement, but it is wrong to shut the government down.'' January 3, 1996.

And yet he vetoed this legislation, denying relief to people in need because he wanted the ability to shut the government down. He wanted to shut the government down, contradictory to what he said on January 3.

So I think we should be very up-front and honest about the reason why the President vetoed this legislation. He vetoed it because he wants the ability to shut the government down. Of course, he conveniently can blame us, and the media seems to carry on that message, but the bottom line was that it was not the disaster relief, it was not the aid to Bosnia, it was not the other things we were doing, it was because he wanted to shut the government down.

Mr. OBEY. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, I wish to respond to the previous remarks. I think the record is quite clear, and I really did not want to have to get into past history and all of that, but as long as the gentleman has dredged it up, it requires a response.

The fact is that before the government was shut down 2 years ago, on 14 separate occasions the leadership of the majority party was quoted as saying it intended to shut the government down if that was necessary in order to require the President to bend to their will on major matters affecting the future of this country. The public understands that.

With all due respect to the gentleman, he has taken a bath on that issue, and I think the public understands what happened, and I do not see any reason to get into that any more. What we are trying to talk about is tomorrow, not yesterday.

But I simply wanted to make that point because the rhetoric that is being used today is the same rhetoric that was being used against the President 2 years ago. It is not going to be believed by the American public today any more than it was 2 years ago. And I think the sooner we get away from that and get on with the business of government, the better off we will be.

Mr. Speaker, I yield 1 minute to the gentleman from Minnesota, [Mr. MINGE].

Mr. MINGE. Mr. Speaker, I represent an area that was affected by the shutdown of the flood relief program due to the delays in this institution. I think it is tragic that it happened.

I know the folks at home think that we have rocks for brains out here. They cannot figure out what is wrong in Washington, DC. They were hit by a disaster when it flooded; they were hit by another disaster when the process out here was stymied.

I am very pleased that this has finally been resolved. I am very pleased that in the upper Midwest we have stood together on this. I know that my colleague from South Dakota will be

speaking, if he has not already this afternoon, and I am very pleased at the bipartisanship that was shown in that State and in other States to try to move this ahead. And I am pleased that the bipartisanship that was developed in the upper Midwest is contagious and it has finally come out to Washington.

One thing I hope is that we have learned our lesson from this effort. It has been sobering. It has not been something that has just been blamed on the Democrats. All of us have taken our share of the blame, and I do not think we can stand it nor can our institutions anymore. We need to prove to this country that we can make government work.

Mr. LIVINGSTON. Mr. Speaker, I yield 3 minutes to the gentleman from South Dakota [Mr. THUNE] who has been an outstanding spokesman for the flood-ravaged people of his district.

Mr. THUNE. Mr. Speaker, I thank the distinguished gentleman from Louisiana, the chairman of the Committee on Appropriations, for yielding me this time; and I, too, want to thank all of them for all the work they have done, his very able staff and the Members, for bringing us to this point today.

Over the past 5 weeks I have seen the good, the bad and the ugly; for the past 5 weeks, the bad and the ugly of how things can work here. But today we are seeing the good, as people come together to try to do what, granted, we should have done a long time ago.

But I think it is very important for us, because we have made a commitment and it is important that we honor that commitment. I believe that the integrity of this institution, the credibility of the House and the Senate and the White House is about commitments made and commitments honored.

We have made a commitment to the American people for those who have suffered from disasters, and today we are finally delivering on that, and I am very happy to be a part of this day in bringing this process to a conclusion.

Mr. Speaker, I think that it does strike very much at the heart of our ability to govern, and I think it is very important that we have finally achieved an outcome which the people I know in my State of South Dakota are very desperately anxious to see. I would hope that all of us can continue to work in a way that would foster that sort of cooperation on other issues.

I want to thank as well the leadership who have worked, I think on both sides, as was mentioned earlier, I worked very closely with my colleagues from North Dakota, from Minnesota, in trying to come up with something. And I want to thank the leadership, the Speaker, the distinguished majority leader on our side as well, for making trips out to look at that area and to help us craft a solution, which I think probably provides as much flexibility as any disaster relief package that has ever been contemplated around here, and in working with us in a way that we can address the needs of the people who have been afflicted in a way that maximizes local control.

□ 1630

I think that is something that is very much consistent with my philosophy and with our philosophy, and I would hope that it would be a model for things that we can do in the future. But for the mayors of my State, for our Governor, and for the many people who have rolled up their sleeves day in and day out for these past many weeks and have been working together to try and rebuild their communities, this is a very welcome day, it is welcome news, and we are very grateful that this institution and the Senate has acted, as well they should have, and delivered the long needed and much needed disaster relief to the Dakotas, to Minnesota, and to the other States that are afflicted by this.

I just want to thank the leadership and my many colleagues for bringing us to this point and for finally accomplishing this goal.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from North Carolina [Mr. PRICE].

Mr. PRICE of North Carolina. Mr. Speaker, I am glad we are finally going to send to the President a bill that he can sign. The hurricane season, after all, opened 12 days ago.

In my home State of North Carolina, debris-filled streams hold the possibility of further disaster. Officials estimate it will take the rest of the year to clean out the upper reaches of streams in the eastern part of North Carolina. This work is necessary to ensure that the flooding that occurred last year does not happen again. This is work that could have already begun had the Congress passed a clean bill last month.

Right now, the Disaster Prevention Agency of North Carolina is praying that another hurricane like Fran does not hit our State. Even slightly above average rainfall in the State could be devastating to those areas hit in September by Fran. If a hurricane were to make landfall, the flooding that would occur, the devastation that would hit families that have been forced to move back into the flood plain could make Fran seem like a spring storm.

Next week, the State of North Carolina will be putting in applications for hazardous mitigation grants to help nearly 1,000 families start over. To be most effective, these funds need to be combined with the community development block grant funds in this bill. Without community development funds, many of those families might not be able to participate.

Mr. Speaker, let us finish this bill, send it to the President, and finally send aid to those across this country who desperately need it.

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

Mr. OBEY. Mr. Speaker, I yield 3½ minutes to the distinguished gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the gentleman from Wisconsin [Mr. OBEY] for yielding me the time.

I will obviously support this legislation in its present form. It is unfortunate that we did not do this some 60 to 70 days ago. I rise to congratulate the gentleman from Wisconsin [Mr. OBEY], to congratulate the President of the United States, who, once again, stood on principle and said that we need to act, but I am not going to act at the point of a gun, I am not going to condone that with which I do not agree.

There was unanimity 84 days ago, the day after the President asked for this relief, that we ought to ask, ought to move, but those victims of rain and flood should have help. I want to congratulate the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the Committee on Appropriations and my good friend, and I want to congratulate as well my good friend, the gentleman from Florida [Mr. YOUNG], the chairman of the Subcommittee on Defense Appropriation, and of course my good friend, the gentleman from Alabama [Mr. CALLAHAN], is to be congratulated just on general principles.

But the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Florida [Mr. YOUNG] said that we ought to pass a CR, or supplemental appropriation, which said that we ought to help the flood victims and we ought to take care of our troops. Everybody agreed on that, but the lesson of November 1995 and December 1995 and, I say to my friend, the gentleman from Kansas [Mr. TIAHRT], January of 1996 has not yet been learned. I say to my friend from Kansas, he can say as many times as he wants that the President wanted to shut down the Government. Nobody will believe him because that is inaccurate and wrong.

I say to my friend that he and the overwhelming majority of his colleagues in November and December and January of 1995 and 1996 repeatedly voted against clean CR's, which would have opened the Government, made services available to the American public; repeatedly I say to my friend, he voted against those clean resolutions.

Why? So that he could include and his colleagues could include items that they clearly knew were unacceptable to the President of the United States and they do not like the democratic process that was set up by our Founding Fathers that said, send something to the President; he vetoes it; and if two-thirds of the Congress disagree, you can pass it into law.

The reason I rise is not only because the gentleman from Kansas [Mr. TIAHRT] I think is not accurately portraying what is the President's view, who wants to keep Government open, and as the gentleman from Wisconsin [Mr. OBEY] said, the opposite of your leadership said they were going to close down Government, but to say let us learn the lesson, let us learn the lesson that we ought to allow the democratic legislative process to operate as our Founding Fathers planned it to be.

Do not once again try to muscle the President of the United States by putting something clearly unacceptable on an item that we all agree on, that ought to pass, that is good policy, that America wants to see us move. If my colleagues have an item, such as sampling, we disagree on, I disagree with my good friend from Mississippi on this issue, but if we have an item, then put the bill on the floor and send it forward. It will be vetoed, I understand that, have it brought back here, and if in the democratic process we override that veto, then they will prevail. But otherwise they should not prevail because the framework did not allow for it. But do not hold hostage either the Government or Government workers or ravaged victims of flood.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Speaker, I rise with great relief and applaud the willingness of all the parties to reach closure here today so we can send this legislation on to its signature and begin to help repair the damage, both real and psychic, that people all over this country have absorbed in the last 6 months.

We have, I think, in this success an example we need to look to. We have two gentlemen who run the Committee on Appropriations. They are both volatile and yet lovable. The two of them can throw temper tantrums that make us all remember Sil Conte, but they get the job done because they can still work together when it is in the interest of the American people. Had they been allowed to work this issue successfully, they would have accomplished the task long ago.

I am afraid we have had a very difficult lesson. I know the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of this committee, showed us the way we would have had a down payment on this bill weeks ago rather than having gone for a break had we listened to him. But we failed it.

Perhaps as we move into the appropriations process in earnest for the next fiscal year, the Members on both sides of the aisle will take the opportunity to allow their leadership to prevail so that we can get through this process in a way that will make the American people proud of us and that we can deal with the fundamental needs they have, even while we apportion the various political philosophies and come up with the best compromise we can.

I just want you to know the people of northern California, who suffered in the floods of January, are now assured that we can put the system back in place and protect them and their property and their lives next winter, unlike last winter. And for that, I appreciate the efforts that have brought us to this point, including the willingness to compromise and lose face at the last in order to move the public interest forward.

Mr. LIVINGSTON. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. GUTKNECHT], another flood ravaged State.

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

Several weeks ago, myself and the gentleman from Minnesota [Mr. RAMSTAD] and the gentleman from Minnesota [Mr. PETERSON] and the gentleman from North Dakota [Mr. POMEROY] went to the Red River Valley. It was quite an experience. We got a chance to look into the eyes of those people.

And I know this is true all over the United States, but it is especially true in the upper Midwest that if a farmer is hurt, for example, the next day there will be six tractors there to help them do whatever needs to be done. I think that is the spirit of America. We went there and we saw what was happening. And actually, as a result of that visit, there are special provisions in this disaster relief bill that, as far as I know, have never been done; and I think that is good.

But in many respects, I was thinking about this earlier today, and this has been perhaps the most frustrating 2 or 3 weeks that I have had since I have been in this Congress. In the Tale of Two Cities, they talk about the best of times and the worst of times, and in many respects, this bill and the way it was put together represents the best and worst of this city.

Because I think we all want to help our neighbor, but it is so frustrating when you take three ideas, which I think enjoy overwhelming support, the idea of helping our neighbors when they need the help, I think everyone agrees with that. And I think the notion of having something to make certain that the Government does not shut down, I think that has overwhelming support. And the notion that a census ought to be conducted by real counts rather than guesstimates, again, I think that is a good idea that has overwhelming support.

Only in Washington can we take three good ideas that have overwhelming support, put them together, and have gridlock for 3 weeks. So it is the best of times. It is the worst of times. But I am delighted on behalf of the people of Red River Valley, Minnesota, and the Dakotas that this fight is now over and the relief will be on its way.

So I thank the Speaker, thank the chairman, and thank the President. Let us get on with the business of the House.

Mr. OBEY. Mr. Speaker, does the gentleman from Louisiana [Mr. LIVINGSTON] have any remaining speakers?

Mr. LIVINGSTON. Mr. Speaker, I have no additional speakers.

Mr. OBEY. I yield myself 30 seconds, Mr. Speaker, to simply urge an ''aye'' vote on this proposition. I do not intend to offer a motion to recommit. I think the sooner we get this bill on to the Senate and on to the President, the better off everyone will be.

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

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

Mr. Speaker, I will not be long. We need to conclude this. This bill has indeed had a tough time. It has been a very interesting 6 or 7 weeks since this bill was first passed. One of the speakers, the gentleman from North Dakota, reminded me of a song that I heard back in my old college days that began with the line: ''The stars are out. The Moon is shining on our jolly crowd.''

I can say now that this doggone bill is over, I feel that the stars are out, the Moon is shining, and that maybe we can leave here and be a little bit more jolly than we have been around here in the last couple of weeks. We are all happy we are passing this bill.

The President sold a lot of newspapers. TV and radio had lots to talk about. And, in fact, the flood victims were never adversely affected by what went on over these last several weeks. We had real issues, as the gentleman from Minnesota pointed out. We had differences. And as the old saying goes, it was a sloppy process, it was an ugly process. Nobody should ever see how laws and sausage are made.

It was unfortunate that it had to be as sloppy and as ugly as it was, but now it is over. We had a staffer on the Committee on Appropriations, who retired last year, Fred Mohrman. He used to always say, once it is over, it is a perfect day, it is a perfect bill.

Mr. President, we give you a perfect bill. It is over. We are providing you with disaster relief for the flood ravaged territories of this country, some $5-½ billion in disaster relief. We are providing you with the money that you have already spend in Bosnia and Haiti, and all around the world with other military ventures, almost a billion dollars. We are providing you with benefits for the VA for pensions and compensation benefits for veterans, almost a billion dollars, Federal emergency management disaster relief, community development block grants, watershed flood prevention, national park repairs, Supplemental Security Income benefits for legal aliens, and again repayment, replenishment for the troops in the field. All of that is in this bill, along with some language that is acceptable between the White House and the Congress on the census.

□ 1645

Mr. Speaker, all of the money in this bill is paid for with previous appropriations. This is a perfect bill. It should be signed into law. Let us get this behind us so we can get into fiscal year 1998 activities and deal with the very serious issues that are involved in the appropriations for that fiscal year cycle, and let the stars be out and the moon shine on our jolly crowd.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would like to rise and speak in support of H.R. 1871, the emergency supplemental appropriations.

This legislation will provide much needed assistance to the victims of the floods, and support our Nation's peacekeeping efforts in the former Yugoslavia.

Those provisions which were included in the first submission of this legislation to the President for his signature have been removed. The subjects that were included; an automatic budget resolution, federally funded roads into national forest areas, and restriction of sampling in any future Census.

These areas are serious and each should be considered under the well established congressional legislative democratic process, through hearings, markup, and floor debate. Their exclusion from this Emergency Supplemental Appropriations therefore was the right course for the House leadership to take. Now, we can begin the process of seeking the best policy to further the interest of all Americans in each of these areas.

I believe that every Member of this body will agree that the suffering of others as a result of any cause is difficult to see. The pain of people who are the victims of natural disaster is particularly painful. There is nothing this body could do to legislate the next natural disaster out of existence, but we can agree that we will never again let issues that are unrelated enter into the legislative relief effort.

The least that Members of this body can offer the next victims of natural disaster in our country, is the promise that their best interest will be our only consideration when rendering them aid and assistance through funding legislation.

I would ask that my colleagues join me in support of H.R. 1871, the Emergency Supplemental Appropriations.

Ms. PELOSI. Mr. Speaker, Send It Clean. This is not a complicated message: Send It Clean, Mr. Speaker. It's been 85 days since the President asked the Congress for a disaster relief bill, and for 85 days the Republican leadership has played politics with the lives of suffering Americans. These people have asked for only one thing: Relief. What has the GOP responded with? More pain and suffering.

This is not a complicated message: Send It Clean, Mr. Speaker. This is what the President has been saying; This is what the American people have been saying; This is what House Democrats have been saying; This is what Republicans have been ignoring for 85 days.

Disaster Relief was never the place for the Republican agenda to be advanced. Extraneous bills should be argued on their own merits, and be allowed to stand or fall on those merits.

The folks trying to rebuild their lives in California, North Dakota, Minnesota, Arkansas, and Louisiana are waiting for word that the Democrats are not the only ones listening.

The SPEAKER pro tempore (Mr. LAHOOD). All time for debate has expired.

Pursuant to the order of the House of today, the bill is considered read for amendment, and the previous question is ordered.

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

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

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

Pursuant to clause 7 of rule XV the yeas and nays are ordered.

The vote was taken by electronic device, and there were— yeas 348, nays 74, answered ''present'' 1, not voting 11, as follows:

[Roll No. 203]

YEAS—348

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Calvert
Camp
Canady
Capps
Cardin
Carson
Castle
Chabot
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Fattah
Fawell
Fazio
Filner
Foglietta
Foley
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastings (FL)
Hastings (WA)
Hayworth
Hefner
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hutchinson
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHale
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Neal
Nethercutt
Ney
Northup
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Payne
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schumer
Scott
Serrano
Shaw
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snyder
Solomon
Spence
Spratt
Stabenow
Stark
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thune
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—74

Archer
Armey
Barr
Bartlett
Barton
Bass
Bilbray
Boehner
Bonilla
Brady
Burr
Burton
Buyer
Callahan
Campbell
Cannon
Chambliss
Christensen
Coburn
Collins
Combest
Cox
Crane
Deal
DeLay
Duncan
Goodling
Graham
Hastert
Hefley
Hilleary
Hoekstra
Hulshof
Hunter
Inglis
Istook
Johnson, Sam
Jones
Kingston
Klug
Largent
McInnis
McIntosh
Mica
Miller (FL)
Myrick
Neumann
Norwood
Nussle
Paul
Paxon
Pease
Petri
Riley
Rohrabacher
Royce
Ryun
Salmon
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shays
Smith (MI)
Snowbarger
Stearns
Stenholm
Thornberry
Tiahrt
Upton
Weldon (FL)

ANSWERED ''PRESENT''—1

Souder

NOT VOTING—11

Farr
Flake
Forbes
LaFalce
Martinez
McDade
McDermott
Miller (CA)
Pelosi
Rush
Schiff

☐ 1707

Messrs. CALLAHAN, WELDON of Florida, RILEY, HUNTER, and BARTLETT of Maryland changed their vote from ''yea'' to ''nay.''

Mr. DOOLEY of California and Mr. SKAGGS changed their vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## LEGISLATIVE PROGRAM

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

Mr. BONIOR. Mr. Speaker, I rise for the purposes of inquiring what the schedule will be for tomorrow and the remainder of the week and for next week. Mr. Speaker, I am primarily interested in the time issue as much as I am in substance, and I think it would

be helpful for our colleagues if they knew when we would be meeting next week and when we can expect our first votes. If we do not have the substance of the schedule next week, I understand that, but if we can get some sense.

I have been given a tentative schedule, Mr. Speaker, that says we will have a pro forma session at noon on Monday; and then on Tuesday, we will go in at 12:30 for morning session, 2 o'clock for legislative business, and no recorded votes before 5 p.m.; and then also on Tuesday, the Private Calendar, five suspension bills; and on Wednesday and the balance of the week, we will meet at 10 a.m. and we will do the Sea Grant bill and the National Defense Authorization bill. That is a tentative schedule, and if that is helpful to our colleagues, I would like to have that verified by the other side, if they could.

Well, we will assume, Mr. Speaker, that that is the schedule for next week, and I wish all my colleagues a good weekend.

## ADJOURNMENT TO MONDAY, JUNE 16, 1997

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourns to meet at noon on Monday next.

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

There was no objection.

## HOUR OF MEETING ON TUESDAY, JUNE 17, 1997

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, June 16, 1997, it adjourn to meet at 12:30 p.m. on Tuesday, June 17, 1997 for morning hour debates.

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

There was no objection.

## DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. SOLOMON. 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 New York?

There was no objection.

## EXTENDING ORDER OF HOUSE OF MAY 7, 1997 THROUGH JUNE 24, 1997

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that the order of the House of May 7, 1997, be extended through Tuesday, June 24, 1997.

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

There was no objection.

## MIDDLE CLASS TAX CUTS FOR FATHERS

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

Mr. KINGSTON. Mr. Speaker, with Father's Day coming up, what can we do to help dads and to help parents and help children? Our tax burden right now is one of the biggest problems of raising kids. I know. I have a family of four. If you have a combined income of $55,000, $22,000 of that goes to taxes. Indeed, there are 62 taxes hidden in a gallon of gas and 109 in a loaf of bread.

The Republican bill gives much needed middle class tax relief, for capital gains tax, HOPE scholarships, IRA expansion, death tax penalty, and, most importantly, to the fathers on Father's Day the $500 per child tax credit.

Tax relief gives dads more time to stay at home to spend time with their children and impart values for the next generation. Unless the critics continue with the class envy that they are so clever at and so good, let me say that 71 percent of these taxes go to people with incomes of $75,000 or less and only 1.2 percent with incomes over $200,000. This is a middle class tax cut for fathers, and it is the Republican tax plan. I hope our Democrats will join us in supporting it.

The following shows the amount of tax relief received by people of various income categories over a five year period, according to data provided by the Joint Committee on Taxation: Under $20,000, −$5.5 billion (4.7%); $20,000 to $75,000, −$83.5 billion (71.7%); $75,000 to $100,000, −$19.3 billion (16.6%); $100,000 to $200,000, −$6.7 billion (5.8%); $200,000+, −$1.4 billion (1.2%).

□ 1715

## SPECIAL ORDERS

The SPEAKER pro tempore (Mr. LAHOOD). 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.

## ATTEMPTS DURING BUDGET NEGOTIATIONS TO COME THROUGH THE BACK DOOR ON ISSUES OF WORKER PAY AND PROTECTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Ms. WATERS] is recognized for 5 minutes.

Ms. WATERS. Mr. Speaker, I rise to bring to the attention of this House the fact that we have some actions that are going on as we attempt to bring together this budget and to reconcile the differences in the deliberations that have gone on, attempts to come through the back door on some very important issues.

I am very concerned about attempts to treat welfare recipients who are would-be welfare workers differently than we treat other workers in America's workplace. I am concerned that there is an attempt to pay welfare workers less than minimum wage. I am also concerned that there is an attempt to deny workplace protections for recipients who go to work. I am also concerned that along with these two mean-spirited denials of protections in the workplace we find an attempt to deny protection from discrimination.

One would ask, how could this be in 1997, when all of these gains that have been made are gains that were hard fought for, gains that individuals made tremendous sacrifices for? How could we in 1997 have attempts to turn back the clock?

We know that in the last Congress there were some attempts by Republicans to deny an increase in minimum wage. That issue was hotly debated. We had the American public join in that debate in ways that we have not had the American public involved in in a long time. We engaged the citizens of this country in that debate. The citizens spoke in a loud and clear voice.

What did they say to us? They said, not only do we want an increase in minimum wage, we want the American people to be paid fairly for their labor. We do not think this increase is enough. We think it should be more. We do not like the fact that major CEO's in America are making a million dollars while there is an attempt to continue to squeeze the workers at the bottom. We do not like the fact that entry-level wages have gone down. We do not like the fact that more and more Americans are on part-time labor. We do not like the fact that American workers are going to the negotiating table, not fighting for increases, but are forced to have to fight to hold onto the gains that have been made historically.

So the American people spoke, and they spoke loud and clear. When the American people spoke, we discovered that even some of those on the other side of the aisle who had been attempting to deny this increase in minimum wage got the message. They got the message and they joined with us in the final analysis and supported the increase in minimum wage.

I thought all of the Republicans had learned a lesson. I thought they had heard the American public. But obviously that is not the case, because what we see now is a back-door attempt, a back-door attempt to not only deny that increase that we made for low-wage workers, but an attempt to single out a category of workers and pay them less than the minimum wage. What they could not do in the front door they are now trying to do through the back door.

What they are literally doing is sending a message out to workers, many of them who only make minimum wages, your job is in jeopardy. Your job is in jeopardy because we have found a whole new class of people that we are

going to pay less than what we are paying you, so all of those low-wage workers, all of those people working for minimum wage in many of our industries, in our restaurants, in our hotels and places, we have a Republican Congress that is trying to create workers who make even less than they make.

I want the American public to pay attention as we fight this battle. We are going to stand up for low-wage workers. We are not going to allow this back-door attempt. I would like for the American public to stay tuned in to this battle. In the final analysis, if they join with us, we can win again.

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 addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

[Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. SMITH] is recognized for 5 minutes.

[Mr. SMITH of Michigan addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia [Ms. NORTON] is recognized for 5 minutes.

[Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

## INVESTIGATION OF DEMOCRATIC NATIONAL COMMITTEE FUNDRAISING EFFORTS

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, Members might recall that a few weeks ago I discussed some of the participants in the investigation that is about to be undergone by the Committee on Government Reform and Oversight. We talked about Web Hubble, we talked about the Riadys, we talked about a number of people.

Today I want to talk about some of the remaining individuals. Mr. Huang has come up. Mr. Huang has refused to work with the committee in this investigation. Here is Mr. Huang. His former employer, Mr. Riady, no longer lives here. We have no alternative but to ask the White House to produce the documents concerning him. They have produced some documents, grudgingly at each step of the way. Those documents are now being analyzed by staff.

The basic principle here is the American people have the right to know what happened in the fall of 1996 in terms of campaign money being delivered to various candidates in the Democratic National Committee and others from foreign sources that violate existing law.

At one Democratic National Committee fundraiser Charlie Trie, who is from Little Rock, AR, Mr. Trie was a restaurateur, a close friend of the President as Governor, and he became a Democratic National Committee fundraiser and raised more than $100,000 for the party, which the Democratic National Committee has returned. He also contributed $640,000 to the President's legal defense fund. That money was later returned. Mr. Trie has left the country. He is rumored to be in China.

I do not know if this would ever work in China, but for missing people in America it has been helpful for young children. This is Mr. Trie. Maybe that is what we have to do is talk to the Chinese about seeing what we do to find Mr. Trie on milk bottle caps and tops. What his role was and whether or not he was a conduit passing money from the Chinese, we do not know completely yet. All White House documents concerning him are obviously absolutely crucial to this investigation. Again, the American people have a right to know.

Mark Middleton, who we have in the other chart, was a friend of the President's from Arkansas. He also met John Huang and Charlie Trie there. Mr. Middleton, who has taken the fifth, is there. He raised $4 million for the Clinton campaign in 1992 in Arkansas. After the election he came to work in the White House as a Presidential aide and business community liaison for then-Chief of Staff Mack McLarty.

Middleton was a key go-between at the White House, meeting frequently at the White House with Charlie Trie, John Huang, and Pauline Kanchanalak. After Middleton left the White House in 1995 to start up his own consulting business, he was a frequent visitor to the White House, and even retained his White House voice mail for 1½ years after his White House position had ended. That is, of course, the lobbyist advocate's dream.

Mr. Middleton's outside business specializes in deals between the United States and Asian businesses. Mr. Middleton has invoked the fifth amendment, and refuses to testify. What does he know about the foreign sources of the campaign money that has amounted to millions of dollars? The American people have a right to know.

Who is Pauline Kanchanalak? She is from Thailand, married into a prominent Thai family. She and her sister-in-law contributed more than $560,000 to the Democratic National Committee and the affiliated State parties in 1996, of which the DNC, Democratic National Committee, has pledged to return $235,000. She was a frequent visitor to the White House and brought three representatives of a large Thai business conglomerate to one White House fundraising coffee hosted by the President.

On at least two occasions Pauline has been identified as part of the Deputy Prime Minister of Thailand's official party, including once as an adviser to the Deputy Prime Minister. She and John Huang created the United States-Thai Business Council. President Clinton attended the grand opening. She has left the country and is believed to be in Thailand.

What was her role in fundraising? Did she also funnel money from a foreign government to the Democratic National Committee? The American people have a right to know.

Here we have six people, three of whom I have concentrated on today. They have invoked the fifth. They have left the country. It is crucial that we get the records. It is crucial that the American people learn what happened.

## A TRIBUTE TO SHARON BRYSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. BARCIA] is recognized for 5 minutes.

Mr. BARCIA. Mr. Speaker, I rise today to pay tribute to a woman of tremendous resolve, Sharon Bryson. She has survived an enormous tragedy and somehow has managed to rise above it and to become a humanitarian and spokesperson for others who share her anguish.

Eight years ago Sharon lost her 13½-year-old son and 2½ years ago she lost her husband to AIDS. Her daughter, Shelley, who is a student working on her master's degree and intends to pursue her Ph.D., is also infected with HIV. The terrible injustice is that Sharon's husband and son died from HIV after being given blood byproducts considered safe. At the time the individuals said they could be used like water, and individuals who spoke with some authority.

□ 1730

It was not until later that they were warned that the products may contain the HIV virus, too late for Sharon's husband, son, and daughter. It is an outrage that the government allowed tainted blood products to be given to innocent people, destroying entire generations of families. The government must own up to its failure to warn hemophilia patients about the possibilities of the HIV virus in our national blood supply.

In the 1980's, nearly 8,000 hemophiliacs were infected with the HIV virus. Of those infected, two die every day. Although no amount of money can ever replace a family, they must be compensated for their suffering, their anguish and the enormous expenses that they have had to incur.

Human life is too precious not to recognize this devastating tragedy. One life lost is one too many. Sharon is a courageous woman who has refused to give up, despite losing her loved ones. Instead, she has chosen to fight on behalf of the hemophilia community for justice.

It is because of brave, resilient people like Sharon who are willing to share their story that we understand the true impact of hemophilia-associated AIDS. I ask my colleagues on the floor and in the House to join me in acknowledging Sharon Bryson for her bravery and willingness to help others. Sharing her story with me was an act of courage. It certainly brings this tragedy close to home.

We must realize that this tragedy does not only happen in the urban areas or to those who are most at risk. Families from all walks of life are suffering. I am hoping that Sharon's story helps other families and individuals who have been infected through tainted blood products. I also commend her daughter Shelley who, in the face of these difficult medical challenges, continues to want to devote the rest of her life to helping children in need.

As Sharon has so eloquently said:

> There is no amount of money that can bring my husband and son back into my life. Perhaps the Ricky Ray Hemophilia Relief Fund Act could bring some meaning to this chapter of my life and restore my faith in the belief that the little people of this great country of ours do matter.

My prayers are with Sharon and her family.

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The SPEAKER pro tempore (Mr. LAHOOD). Under a previous order of the House, the gentleman from Kansas [Mr. TIAHRT] is recognized for 5 minutes.

[Mr. TIAHRT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

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The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Oregon [Ms. FURSE] is recognized for 5 minutes.

[Ms. FURSE addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

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## GOVERNMENT SHUTDOWNS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. COBLE] is recognized for 5 minutes.

Mr. COBLE. Mr. Speaker, when I came over today I did not plan to speak. But as I heard the discussion on the supplemental some moments ago, referrals were made to the government shutdown in 1995. The government shut down very briefly, I think it was in 1991, regarding virtually identical causes as was the case in 1995; that is, the unwillingness and/or the inability of the President on the one hand and the Congress on the other to agree on budgetary matters. It was universally concluded in 1991 that President Bush shut her down. Oh, yes, he shut the government down. But guess what? When the government shut down in 1995, was it universally concluded that President Clinton shut her down? No. The Congress shut down the government in 1995. President Clinton's fingerprints were not to be found thereon, at least it was not reported.

TV talk show hosts, Mr. Speaker, weekend talk show hosts in particular, ask time and again of their weekend guests, well, are the Republicans going to shut down the government again during the 105th Congress? I have heard it asked dozens of times. A more even-handed question, Mr. Speaker, would be, do the President and the Congress intend to shut down the government again? Never heard that asked once.

I will admit we in the Congress sometimes become prisoners or victims of our own rhetoric. But keep in mind both the executive and the legislative branch must assume some blame when it comes to these matters. President Clinton, President Bush, President whoever, unlike Members of Congress, is elected by the American people, by all of the American people. He is the chief operating officer of the Federal Government, and as such, he is compelled to lead.

The media, and I generally am not critical of the media because I have been the beneficiary of pretty even-handed treatment by them, but the media has a way of portraying news this way or that way, and the way it is portrayed, that is the accounts of news, the way it is portrayed obviously has a direct result in the way that viewers or readers perceive it. You have heard it said, Mr. Speaker, and so have I, that perception is 90 percent of it.

So President Bush having closed down the government in 1991, that is the perception because in many instances that is the way the news was portrayed. But, no, not President Clinton in 1995. I repeat, I was not even going to get into this, but much was said about it today as we were getting into the discussion of the supplemental and I felt obliged to at least address it in this small way.

I hope the media will assume a more objective and therefore less subjective role in its subsequent reporting of these matters. Keep in mind, Mr. Speaker, Pennsylvania Avenue runs two ways. We have the Congress at one end, President Clinton at the other end. President Clinton for this time, whoever it may be subsequently. But this is a two-way street. When government shutdowns occur, they involve both the President and the Congress. And the purpose of this message today from me, the gospel according to COBLE, is to remind people it is a two-way street.

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

Mr. COBLE. I yield to the gentleman from Mississippi.

Mr. WICKER. Mr. Speaker, I thank the gentleman from North Carolina for bringing up this point. I think it is very important. We have had an appropriation bill before us, and we had legislative language on it.

But I hope my friends on the other side of the aisle have not been suggesting today that we are the first people in the history of the Congress to put riders on appropriation bills. For 40 years during Republican and Democrat administrations, the Democrats, when they were in the majority, used this as a legitimate exercise of the power of the purse. I think my friend from North Carolina will agree that we were fighting about some very, very important things on this spending bill.

Mr. COBLE. Reclaiming my time, Mr. Speaker, I say to the gentleman from Mississippi, that is precisely my point. That is the way it needs to be portrayed.

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## ON THE MINIMUM WAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida [Mrs. MEEK] is recognized for 5 minutes.

Mrs. MEEK of Florida. Mr. Speaker, when welfare reform was passed, Congress gave very little guidance to States for determining the applicability of existing employment laws to welfare recipients. This meant that States, counties, employers could use any kind of guideline in applying the welfare reform laws.

We all are in agreement, there should have been some reform of welfare. The time had come for that. But the time will never come when we take away some of the employment benefits from the Federal Government that every citizen of this country needs and desires and really should be given.

Congress never said that the Fair Labor Standards Act, which includes the minimum wage provisions, should not be applied to welfare recipients. Neither did they say it should be applied. So those were questions that were left open.

Each time this piece of legislation came to the floor, I questioned those things. I questioned because of the fact that the Federal Government, which has been sort of the person or the group of people who looked over these laws to be sure that everybody got fair treatment, equal treatment under the law, but with the Welfare Reform Act nothing was mentioned. Congress did not speak about the Fair Labor Standards Act in that particular piece of legislation.

The President and some Members of Congress have tried to determine that welfare recipients in work programs should indeed earn the minimum wage, but some in this Congress want to overturn that decision. For some reason they think, Mr. Speaker, that it is

OK for people who were on welfare to make less than minimum wage.

The Congress did a good thing. They want to see these people go from welfare to work. But they did not leave any guidelines to be sure that they when they went from welfare to work, they would be treated fairly, that they would be covered by the fair employment rules, that they would be covered by civil rights laws, this they would be covered by all kinds of Federal protection under the law. It was not there and it still is not there. But there is a great need.

I do not agree with that, Mr. Speaker, because I stand for fairness. I stand for equality, and most Members of this Congress do, if they really understood what they are doing with this, cutting down, being sure that people who are going from welfare to work now may not even get the minimum wage.

Welfare recipients deserve the dignity of equal treatment with their fellow workers. I repeat that. They deserve this dignity. The minimum wage does that. It gives them that dignity. Welfare recipients, Mr. Speaker, are entitled to the protection of wage and hour laws. They are not second class citizens. They deserve the same protection from wage and hour laws that each of us has today.

Minimum wages are not inflated wages. We call them decent wages. This workfare is supposed to provide income and create incentives and opportunities for people receiving welfare. We do know that Congress has enabled them now to be able in 2 years to go out and find a job. But what we did not do is to protect them with the Federal laws that have been there for a very long time.

Mr. Speaker, do not let it be corrupted into an oppressive system that forces workers to toil for cheap wages. It will bring us right back into the welfare syndrome that we just recently got out of because Congress passed these laws to make this happen throughout the country.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. EHLERS] is recognized for 5 minutes.

[Mr. EHLERS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. METCALF] is recognized for 5 minutes.

[Mr. METCALF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

## MORE ON THE EMERGENCY SUPPLEMENTAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. WICKER] is recognized for 5 minutes.

Mr. WICKER. Mr. Speaker, I am delighted that we have gone ahead and passed the supplemental bill today. I supported it, and there can be no question now as to our commitment to supporting the flood victims and the other needs that were contained in the bill.

My party and my political philosophy were forced to make a tactical retreat today. We abandoned two very key portions of this supplemental bill, and I want to address those in the time that I have today, Mr. Speaker.

First of all, we were trying in this bill to fashion a way to prevent another Government shutdown. The shutdowns of late 1995 and early 1996 were regrettable. The American people told us that they did not want that again. And in the legislation that passed earlier, we had a provision saying that if Congress and the President at the end of the fiscal year are unable to come to a resolution, then automatically the appropriation bills would be funded at 100 percent of the previous year until something could be worked out on a permanent basis.

I feel that that was reasonable. I am sorry we had to abandon that because of the President's veto. But I state to my colleagues and to the American people, Mr. Speaker, that it was a worthwhile goal. It was important and it had everything to do with the bill that we were discussing this week.

The second major issue was the issue of the census. The American people might ask us, Mr. Speaker, what does the census have to do with an emergency spending bill? It has everything to do with the future of our country. It has everything to do with abiding by the Constitution.

There are people in the administration, people in the Commerce Department, in the Bureau of the Census, who want to count about 90 percent of the people in the year 2000, and then guess at the other 10 percent. We are told by congressional studies that those guesses could be off by as much as 35 percent. In other words, a group of 100 people might be counted at 65. They might be counted at 135.

The Constitution of the United States, Mr. Speaker, says that there shall be an actual enumeration, an actual enumeration. That is what the Constitution says. That is what the Founding Fathers said when they fashioned the Constitution. I do not apologize for standing up for the Constitution, for standing up for an issue which is central to the franchise of voters.

Then one more point I want to make to the response to some of the accusations that were made by my friends on the other side of the aisle.

□ 1745

They say we do not need to put riders on appropriation bills. We do not need to appropriate money and then hold a gun to the President's head with these extraneous legislative riders.

For 40 years my friends on the Democratic side of the aisle utilized this tactic. It is a legitimate exercise of the constitutional power of the purse. It is within the prerogative of the House of Representatives to initiate spending bills and to put requirements on those spending bills to make sure the money is spent according to the will of the American people and according to the will of this House. It is part of our responsibility.

As long as that power of the purse is here in this body, whether Democrats are in the majority, as they were for 40 years, or whether Republicans are in the majority, there will continue to be legislative riders. I want to point that out. We were fighting for important things, important principles that affect the future of this country.

I will be happy to yield to my friend from Florida.

Mr. SCARBOROUGH. Mr. Speaker, I thank the gentleman from Mississippi, and I thank him for all his hard work on this.

I hear what the gentleman is saying, and I know a lot of Americans hear what the gentleman is saying. It is deeply troubling to me to hear year in and year out from the other side talking in self-righteous tones that we are doing these awful things that have never been done before; talking about how we are gutting Medicare, and then a year later they vote 36 to 3 to support the same provisions that we were doing a year ago.

Now, supposedly, we are victimizing flood victims, who were fully funded through the State, anyway. And now we hear how we should have sent the President a clean CR. And I guess that is what is most troubling, when I hear the President get on the TV talking about this great need for a clean CR. What was clean about this CR?

## AVOID ANOTHER GOVERNMENT SHUTDOWN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. SCARBOROUGH] is recognized for 5 minutes.

Mr. SCARBOROUGH. Mr. Speaker, as I was saying just a minute ago to the gentleman from Mississippi, it is frustrating to hear time and time again about the need for these clean CRs.

Now, if we wanted to address just how clean this CR was, and I may ask the gentleman from Mississippi in a minute or two to talk about some of the things that were in the bill, but the President said please do not jeopardize flood relief for these poor victims, just send me a clean CR, or a clean appropriations bill.

If we wanted to talk about a clean bill, that would add up to about $750 million. If we were concerned about flood relief for the victims of the horrible floods up in the Midwest, we would have sent $750 million. Unfortunately, by the time this bill got passed through the House and through the Senate and through the White House

requests, this $750 million quickly became $8.4 billion.

The same Democrats that have stood on this floor earlier today arguing about how horrible it was that we would not send a clean emergency appropriations bill, were the same Democrats that threatened to derail this measure if we did not put in things such as a parking garage in Ohio that had absolutely nothing to do with what the flood victims were suffering from; or who threatened to strike this down if we did not put in provisions pertaining to apple orchard subsidies.

If they can somehow come to the floor and explain to me how subsidies for apple orchardists had anything to do with this flood, I would certainly welcome their arguments. I would like to hear those arguments.

I guess what I am saying is, I just, as a Member of this House, get a little bit tired of this self-righteous indignation from our friends on the other side who talk about how they want this clean bill and yet they fill it up, they load it up with what a lot of Americans would call pork. Their hands certainly are not clean.

I agree also with the gentleman regarding the continuing resolution. For 3 years we have heard the President and our friends on the left whine about how horrible it is that the Republicans were awful enough to shut down the Federal Government and this must never happen again.

I remember all the Democrats flooding to the floor afterwards, where they checked with their pollsters and the pollsters told them this is a really good issue, and they all came down when we were having our morning hour and they are all lining up and saying, ''Mr. Speaker, this must never happen again. This must never happen again. It is the most awful thing that has ever occurred. Mr. Speaker, how could they be so cold-hearted? Let us ensure in America today that it will never happen again.''

Well, guess what, Mr. Speaker? Guess what, America? They had that opportunity this past week to make sure that the Federal Government would never be shut down again. Not only that, we bent over backwards. We said, okay, not only are we going to pass an insurance policy to make sure that the Federal Government does not get shut down again, we are going to go the extra mile and we are going to allow the government to be funded fully at last year's level.

Now, that is so unbelievably reasonable that I find it astounding that Democrats can still slouch towards the microphone on this floor in self-righteous indignation telling us that they really are concerned about a government shutdown or telling us that we have done this great disservice to the flood victims in the Midwest because we wanted to ensure that the Federal Government was never shut down again.

I mean let us talk about reality for a second. The reality is the flood victims were fully funded. They were fully funded. This was an emergency appropriation to help them a month or so down the road. And yet, and yet, they come in and try to tell us that it is like we are kicking people out of tents or out of trailers because we are trying to ensure that the Federal Government does not get shut down again with this insurance policy.

The real threat to flood victims, not only in the Midwest but the threat to the flood victims in my region in Florida, the threat to earthquake victims in California, the threat to Americans from coast to coast is if this government ever does shut down again and we cannot fund their needs. That is all we were trying to do.

## 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. MCNULTY) to revise and extend their remarks and include extraneous material:)

Ms. WATERS, for 5 minutes, today.
Ms. KAPTUR, for 5 minutes, today.
Ms. NORTON, for 5 minutes, today.
Mr. BARCIA, for 5 minutes, today.
Ms. FURSE, for 5 minutes, today.

(The following Members (at the request of Mr. COBLE) to revise and extend their remarks and include extraneous material:)

Mr. HORN, for 5 minutes, today.
Mr. TIAHRT, for 5 minutes, today.
Mr. BOB SCHAFFER of Colorado, for 5 minutes, on June 18.
Mr. GEKAS, for 5 minutes, on June 17 and 18.
Mr. COBLE, for 5 minutes, today.
Mr. EHLERS, for 5 minutes, today.
Mr. METCALF, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. WICKER, for 5 minutes, today.

The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Mrs. MEEK of Florida, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. SCARBOROUGH, 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. MCNULTY) and to include extraneous matter:)

Mrs. MALONEY of New York.
Mr. STARK.
Mr. HAMILTON.
Mr. KILDEE.
Mr. UNDERWOOD.
Mr. POSHARD.
Ms. CARSON.
Mr. PALLONE.
Mr. WEYGAND.
Mr. FILNER.
Mr. ROEMER.
Mr. SCOTT.
Ms. ESHOO.
Mr. MENENDEZ.
Mr. THOMPSON.
Mr. BARCIA.

(The following Members (at the request of Mr. COBLE) to revise and extend their remarks and include extraneous material:)

Mr. BOB SCHAFFER of Colorado.
Mr. BLUNT.
Mr. WATTS of Oklahoma.
Mr. CASTLE.
Mr. LEWIS of California.
Mr. PAPPAS.
Mr. GALLEGLY.
Mr. GILMAN in two instances.
Mr. PAUL in two instances.

(The following Members (at the request of Mr. SCARBOROUGH) and to include extraneous matter:)

Mrs. MORELLA.
Mr. PAPPAS.
Mr. PRICE of North Carolina.
Mr. LEWIS of California.
Mr. GALLEGLY.
Mr. PAUL.
Mr. FILNER.
Mr. ROEMER.
Mr. SCOTT.
Mr. POSHARD.
Mr. EDWARDS.
Mr. SENSENBRENNER.
Mrs. MCCARTHY of New York.
Mr. GILMAN.
Mr. WATTS of Oklahoma.
Mr. MARTINEZ.
Mr. BARCIA.
Mr. SANDERS.
Mr. STOKES.
Mr. MEEHAN.
Mr. PAYNE.
Mr. KILDEE.
Mr. HOYER.

## ADJOURNMENT

Mr. WICKER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 55 minutes p.m.), under its previous order, the House adjourned until Monday, June 16, 1997, at 12 noon.

## OATH OF OFFICE, MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 State.22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> ''I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United

States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.''

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 105th Congress, pursuant to the provisions of 2 U.S.C. 25:

Honorable BILL REDMOND, Third District, New Mexico.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3760. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Propiconazole; Pesticide Tolerances for Emergency Exemptions [OPP–300494; FRL–5718–8] (RIN: 2070–AB78) received June 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3761. A letter from the Deputy Under Secretary of Defense (Environmental Security), Department of Defense, transmitting the Department's annual report on the defense environmental quality program for fiscal year 1996, pursuant to 10 U.S.C. 2706(b)(1); to the Committee on National Security.

3762. A letter from the Vice-Chairman of the Board, Federal Reserve System, transmitting the annual report on the subject of retail fees and services of depository institutions, pursuant to 12 U.S.C. 1811 nt.; to the Committee on Banking and Financial Services.

3763. A letter from the Secretary of Energy, transmitting the Department's Annual Report on Federal Government energy management and conservation programs during Fiscal Year 1995, pursuant to 42 U.S.C. 6361(c); to the Committee on Commerce.

3764. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plan, South Carolina: Adoption of General Conformity Regulations [SC33–1–9714a: FRL–5840–5] received June 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3765. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Final Source Category Limited Interim Approval of the Operating Permits Program; Michigan [MI001; FRL–5842–3] received June 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3766. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting [AD-FRL–5839–2] (RIN: 2060–AH07) received June 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3767. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Preparation, Adoption, and Submittal of State Implementation Plans; Appendix M, Test Methods 204, 204A–204F [FRL–5836–1] (RIN: 2060–AF02) received June 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3768. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Virginia: Determination of Attainment of Ozone Standard and Determination Regarding Applicability of Certain Requirements in the Richmond Area [VA–076–5022a; FRL–5841–5] received June 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3769. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Final Rule Making Findings of Failure to Submit Required State Implementation Plan: Oregon [FRL–5831–9] received June 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3770. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to Thailand for defense articles and services (Transmittal No. 96–19), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

3771. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report on nuclear nonproliferation in South Asia for the period of October 1, 1996, through March 31, 1997, pursuant to 22 U.S.C. 2376(c); to the Committee on International Relations.

3772. A letter from the Secretary of Health and Human Services, transmitting the semiannual report on activities of the Inspector General for the period October 1, 1996, through March 31, 1997, and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3773. A letter from the Executive Director, District of Columbia Retirement Board, transmitting the personal financial disclosure statements of Board members, pursuant to D.C. Code section 1–732 and 1–734(a)(1)(A); to the Committee on Government Reform and Oversight.

3774. A letter from the Federal Co-Chairman, Appalachian Regional Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 1996, through March 31, 1997; and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3775. A letter from the Acting Administrator, General Services Administration, transmitting the semiannual report on activities of the Inspector General for the period October 1, 1996, through March 31, 1997, and the Semiannual Management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3776. A letter from the Chairman, National Bankruptcy Review Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 1996, through March 31, 1997; and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3777. A letter from the Director, Office of Personnel Management, transmitting the semiannual report on activities of the Inspector General for the period of October 1, 1996, through March 31, 1997, and the Management Response for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3778. A letter from the Inspector General, Railroad Retirement Board, transmitting the semiannual report on activities of the Office of Inspector General for the period October 1, 1996, through March 31, 1997, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3779. A letter from the Legislative Counsel, Office of Congressional and Legislative Affairs, Department of the Interior, transmitting a draft of proposed legislation to make technical corrections to the Omnibus Parks and Public Lands Management Act of 1996; to the Committee on Resources.

3780. A letter from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Swordfish Fishery; Extension of Drift Gillnet Emergency Closure [Docket No. 960314073–7129–04; I.D. 112696C] (RIN: 0648–AI23) received June 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3781. A letter from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Tuna Fisheries; Regulatory Adjustments [Docket No. 960816226–7124–03; I.D. 111396A] (RIN: 0648–AJ04) received June 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3782. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Civil Money Penalties Inflation Adjustments (Coast Guard) [CGD 96–052] (RIN: 2105–AC63) received June 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3783. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Cessna Model 650 Airplanes (Federal Aviation Administration) [Docket No. 97–NM–101–AD; Amendment 39–10044; AD 97–12–01] (RIN: 2120–AA64) received June 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3784. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Model BAC 1–11 200 and 400 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–193–AD; Amendment 39–10043; AD 97–11–14] (RIN: 2120–AA64) received June 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3785. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class D and E Airspace; Sacremento, CA (Federal Aviation Administration) [Docket No. 97–AWP–13] received June 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3786. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Falsification of Security Records (Federal Aviation Administration) [Docket No. 28745; Amendment Nos. 107–9 and 108–14] (RIN: 2120–AG27) received June 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3787. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulation; Industrial Seaway

Canal, Mississippi (Coast Guard) [CGD08–96–056] (RIN: 2115–AE47) received June 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3788. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Cerritos Channel, CA (Coast Guard) [CG11–90–03] (RIN: 2115–A47) received June 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3789. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone; Prince William Sound, AK (Coast Guard) [COTP PRINCE WILLIAM SOUND, 97–001] (RIN: 2115–AA97) received June 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3790. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zones, Security Zones, and Special Local Regulations (Coast Guard) [CGD 97–031] (RIN: 2115–AA97) received June 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3791. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Income Tax; Specified Liability Losses [Notice 97–36] received June 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3792. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification that Colombia and Ecuador have adopted a regulatory program governing the incidental taking of certain sea turtles, pursuant to Public Law 101–162, section 609(b)(2) (103 Sat. 1038); jointly to the Committees on Resources and Appropriations.

## 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. SHUSTER: Committee on Transportation and Infrastructure. H.R. 1747. A bill to amend the John F. Kennedy Center Act to authorize the design and construction of additions to the parking garage and certain site improvements, and for other purposes; with an amendment (Rept. 105–130). Referred to the Committee on the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 856. A bill to provide a process leading to full self-government for Puerto Rico; with an amendment (Rept. 105–131 Pt. 1). Ordered to be printed.

## TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 856. Referral to the Committee on Rules extended for a period ending not later than July 11, 1997.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LANTOS (for himself, Mr. CAMPBELL, Mr. ACKERMAN, Mr. BONIOR, Mr. BROWN of California, Ms. CARSON, Mr. DAVIS of Illinois, Mr. DELLUMS, Ms. ESHOO, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FOGLIETTA, Mr. FRANK OF MASSACHUSETTS, Mr. FROST, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. HINCHEY, Mr. JEFFERSON, Mr. MANTON, Mr. MILLER of California, Ms. NORTON, Mr. OBERSTAR, Mr. OLVER, Mr. OWENS, Mr. RANGEL, Mr. SANDERS, Mr. SCHUMER, Mr. TIERNEY, Mr. TORRES, Mr. VENTO, Ms. WOOLSEY, Ms. VELAZQUEZ, and Mr. YATES):

H.R. 1870. A bill to amend the Fair Labor Standards Act of 1938 to reform the provisions relating to child labor; to the Committee on Education and the Workforce.

By Mr. LIVINGSTON:

H.R. 1871. A bill making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, 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. BLILEY (for himself and Mr. MARKEY):

H.R. 1872. A bill to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes; to the Committee on Commerce.

By Mr. KANJORSKI (for himself and Mrs. MORELLA):

H.R. 1873. A bill to amend chapter 84 of title 5, United States Code, to make certain temporary Federal service creditable for retirement purposes; to the Committee on Government Reform and Oversight.

By Mr. KANJORSKI (for himself, Mr. BONIOR, Mr. MCGOVERN, Mr. JACKSON, and Mr. TIERNEY):

H.R. 1874. A bill to amend title 5, United States Code, to provide that an individual serving in a position in the competitive or excepted service, under an indefinite or temporary appointment, who performs at least 2 years of service in such a position within a 5-year period, and who passes a suitable noncompetitive examination, shall be granted competitive status for purposes of transfer or reassignment; to the Committee on Government Reform and Oversight.

By Mr. CRANE:

H.R. 1875. A bill to amend the Harmonized Tariff Schedule of the United States to allow entry of peanut butter and paste manufactured from Mexican peanuts in foreign trade zones, without being subject to a tariff-rate quota; to the Committee on Ways and Means.

By Mr. SENSENBRENNER (for himself, Mr. BROWN of California, Mr. SCHIFF, Mr. BARCIA of Michigan, Mr. BOEHLERT, Mrs. MORELLA, Mr. WELDON of Pennsylvania, Mr. ROHRABACHER, Mr. CRAMER, Mr. BARTON of Texas, Mr. EHLERS, Mr. GUTKNECHT, and Mr. MCHALE):

H.R. 1876. A bill to clarify that certain large components of certain scientific instruments and apparatus shall be provided the same tariff treatment as those scientific instruments and apparatus; to the Committee on Ways and Means.

By Mr. QUINN (for himself, Mr. FILNER, Mr. EVANS, Mr. COOKSEY, Mr. MASCARA, Mr. REYES, Mr. BUYER, Mr. LAHOOD, and Mr. GILCHREST):

H.R. 1877. A bill to amend title 38, United States Code, to expand workstudy for eligible veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CANADY of Florida (for himself, Mr. FOLEY, Mr. MILLER of Florida, and Mr. DAVIS of Florida):

H.R. 1878. A bill to impose an indefinite moratorium on enforcement of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 against certain de minimis parties; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CASTLE:

H.R. 1879. A bill to suspend temporarily the duty of Triflusulfuron Methyl; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts (for himself, Mr. POMBO, and Mr. KENNEDY of Rhode Island):

H.R. 1880. A bill to amend the Immigration and Nationality Act to modify the qualifications for a country to be designated as a visa waiver pilot program country; to the Committee on the Judiciary.

By Mr. WAXMAN:

H.R. 1881. A bill to establish the Tobacco Accountability Board; to the Committee on Commerce.

By Mr. FRELINGHUYSEN:

H.R. 1882. A bill to suspend temporarily the duty on certain parts for in-line skates; to the Committee on Ways and Means.

By Mr. GREENWOOD (for himself and Mrs. JOHNSON of Connecticut):

H.R. 1883. A bill to amend the Public Health Service Act to provide for the establishment of a pediatric research initiative; to the Committee on Commerce.

By Mr. HEFLEY:

H.R. 1884. A bill to establish limited privileges and immunities for certain information relating to compliance with environmental laws, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Commerce, Transportation and Infrastructure, Agriculture, and Resources, 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. HOYER (for himself and Mr. EWING):

H.R. 1885. A bill to direct the Secretary of the Army to set aside the conviction of Dr. Samuel A. Mudd by a military commission in 1865 for aiding, abetting, and assisting the conspirators who assassinated President Abraham Lincoln; to the Committee on National Security.

By Mrs. JOHNSON of Connecticut (for herself and Mrs. KENNELLY of Connecticut):

H.R. 1886. A bill to suspend the duties on Pantera; to the Committee on Ways and Means.

H.R. 1887. A bill to suspend the duties on Triacetonamine; to the Committee on Ways and Means.

By Mr. KING of New York:

H.R. 1888. A bill to suspend temporarily the duty on certain twisted yarn of viscose rayon; to the Committee on Ways and Means.

By Mr. MCDERMOTT:

H.R. 1889. A bill to suspend temporarily the duty on spring steel; to the Committee on Ways and Means.

H.R. 1890. A bill to suspend temporarily the duty on polyethylene base materials; to the Committee on Ways and Means.

By Mr. PORTMAN (for himself and Mr. CARDIN):

H.R. 1891. A bill to amend the Internal Revenue Code of 1986 to codify the employer status of staffing firms with respect to their workers for purposes of employment taxes and for employee benefit purposes, to clarify and enhance the ability of such firms to sponsor retirement and other employee benefit plans, and to facilitate the nonabusive use of such firms' services by other businesses; to the Committee on Ways and Means.

By Mr. PRICE of North Carolina:

H.R. 1892. A bill to amend the Internal Revenue Code of 1986 to treat as a qualified transportation fringe which is excludable from gross income the payment by the employer of certain telecommunicating-relating expenses of employees; to the Committee on Ways and Means.

By Mr. RAMSTAD:

H.R. 1893. A bill to suspend until January 1, 2000, the duty on Tetrafluoroethylene, Hexafluoropropylene, and Vinylidene fluoride; to the Committee on Ways and Means.

By Mrs. ROUKEMA (for herself and Mr. MCDADE):

H.R. 1894. A bill to reauthorize the Delaware Water Gap National Recreation Area Citizen Advisory Commission for 10 additional years; to the Committee on Resources.

By Mr. STOKES (for himself, Mr. WYNN, Ms. CHRISTIAN-GREEN, Mr. HASTINGS of Florida, Mr. CUMMINGS, Mr. RUSH, Ms. WATERS, Mrs. CLAYTON, Mr. PAYNE, Mr. FLAKE, Ms. KILPATRICK, Mrs. MEEK of Florida, Ms. BROWN of Florida, Mr. JACKSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. TOWNS, Mr. CONYERS, Mr. DELLUMS, Mr. CLAY, Mr. CLYBURN, Mr. LEWIS of Georgia, Mr. HILLIARD, Mr. SCOTT, Mr. DAVIS of Illinois, Ms. JACKSON-LEE, Mr. THOMPSON, Mr. DIXON, Mr. FATTAH, Mr. FORD, Ms. NORTON, Ms. MILLENDER-MCDONALD, Ms. MCKINNEY, Mr. OWENS, Mr. BISHOP, Mr. WATT of North Carolina, Mr. JEFFERSON, Mr. RANGEL, and Ms. CARSON):

H.R. 1895. A bill to amend the Public Health Service Act to revise and extend programs relating to the health of individuals who are from disadvantaged backgrounds, including individuals who are members of racial or ethnic minority groups; to the Committee on Commerce.

By Mr. THORNBERRY:

H.R. 1896. A bill to require that travel awards that accrue by reason of official travel of a Member, officer, or employee of the Senate or House of Representatives be used only for official travel or travel between the Member's State and the District of Columbia, or transferred to a qualified nonprofit organization; to the Committee on House Oversight, 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. WISE:

H.R. 1897. A bill to suspend temporarily the duty on KN001—a hydrochloride; to the Committee on Ways and Means.

By Mr. PAUL:

H.J. Res. 82. Joint resolution proposing an amendment to the Constitution of the United States authorizing the States to prohibit the physical destruction of the flag of the United States and authorizing Congress to prohibit destruction of federally owned flags; to the Committee on the Judiciary.

By Mr. HALL of Ohio (for himself, Mr. WELDON of Florida, Mr. MCNULTY, Mr. CHRISTENSEN, Mr. LANTOS, Mr. ENSIGN, Ms. KAPTUR, Mr. PITTS, Mr. TRAFICANT, Mr. COBURN, Mr. BONIOR, and Mrs. LINDA SMITH of Washington):

H. Con. Res. 96. Concurrent resolution apologizing for those who suffered as slaves under the Constitution and laws of the United States until 1865; to the Committee on the Judiciary.

By Mr. HINCHEY (for himself, Mr. BONIOR, Mr. OBEY, Mr. SPRATT, Mr. EVANS, Mr. CLAY, Mr. CONYERS, Mr. WYNN, Mr. MEEHAN, Mr. SERRANO, Ms. DEGETTE, Mr. SANDERS, Mr. FATTAH, Mr. FILNER, Ms. SLAUGHTER, Ms. WATERS, Mr. DELAHUNT, Mrs. MEEK of Florida, and Mr. NADLER):

H. Con. Res. 97. Concurrent resolution expressing the sense of the Congress that the alternative minimum tax requiring all corporations and individuals with substantial economic income to pay at least a minimum amount of income taxes should be retained; to the Committee on Ways and Means.

By Mrs. MORELLA:

H. Con. Res. 98. Concurrent resolution authorizing the use of the Capitol grounds for the Safe Kids Buckle Up Car Seat Safety Check; to the Committee on Transportation and Infrastructure.

By Mr. CASTLE (for himself, Mr. WOLF, Mr. COBURN, Mr. MCKEON, Mrs. ROUKEMA, Mr. LAFALCE, Mr. POSHARD, Mr. GILMAN, Mr. GREENWOOD, Mr. SOLOMON, Ms. LOFGREN, and Mr. LIPINSKI):

H. Res. 166. Resolution to express the sense of the House of Representatives concerning violence on television; to the Committee on Commerce.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

131. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 61 memorializing the Congress of the United States and the Food and Drug Administration regarding the phaseout of chloroflurocarbons from medical inhalers; to the Committee on Commerce.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 15: Mr. SESSIONS and Mr. ROTHMAN.

H.R. 18: Ms. HOOLEY of Oregon, Mr. BURTON of Indiana, Mr. BARCIA of Michigan, and Mr. ROTHMAN.

H.R. 27: Mr. HAYWORTH and Mr. CANNON.

H.R. 38: Mr. LUCAS of Oklahoma.

H.R. 44: Mr. CRAMER and Mr. FRANK of Massachusetts.

H.R. 51: Mr. TURNER, Ms. SANCHEZ, Mr. BOYD, and Mr. HUTCHINSON.

H.R. 65: Mr. LUCAS of Oklahoma, Mr. LARGENT, and Mr. COMBEST.

H.R. 76: Ms. DANNER, Ms. KAPTUR, and Mr. SHAYS.

H.R. 84: Mr. CLYBURN and Mrs. MALONEY of New York.

H.R. 107: Mrs. EMERSON and Mr. DELLUMS.

H.R. 127: Ms. HOOLEY of Oregon and Ms. KAPTUR.

H.R. 135: Mr. BOSWELL, Mr. CLAY, Mr. CRAMER, Mr. DIXON, Mr. FATTAH, Mr. MASCARA, and Ms. SANCHEZ.

H.R. 145: Mr. LAHOOD, Mr. CUMMINGS, and Mr. RAHALL.

H.R. 192: Mr. COOKSEY, Ms. HOOLEY of Oregon, Mr. SNYDER, Mr. BURR of North Carolina, Ms. DEGETTE, Mr. WALSH, Mr. GIBBONS, and Ms. DELAURO.

H.R. 230: Mr. DREIER, Mr. JONES, and Mr. BAKER.

H.R. 282: Mr. LAZIO of New York.

H.R. 303: Mr. COLLINS and Mr. COMBEST.

H.R. 305: Mrs. MORELLA and Mr. LAMPSON.

H.R. 404: Mr. HERGER.

H.R. 414: Mr. GIBBONS.

H.R. 521: Mr. FRANKS of New Jersey and Mr. ROTHMAN.

H.R. 611: Mr. JACKSON.

H.R. 630: Mr. KIM.

H.R. 699: Mrs. CHENOWETH.

H.R. 777: Ms. DELAURO, Mr. TORRES, Mr. MARKEY, Mr. CUMMINGS, Mr. FLAKE, and Ms. CARSON.

H.R. 793: Ms. NORTON.

H.R. 806: Mr. DELLUMS.

H.R. 898: Mr. LUTHER.

H.R. 983: Mr. KLECZKA.

H.R. 1023: Mr. LINDER, Ms. ROS-LEHTINEN, and Mr. ANDREWS.

H.R. 1140: Mr. TRAFICANT.

H.R. 1189: Mr. WELLER.

H.R. 1232: Mr. EVANS.

H.R. 1280: Mr. ENGLISH of Pennsylvania and Mr. HULSHOF,.

H.R. 1284: Mrs. LOWEY.

H.R. 1323: Mrs. LOWEY.

H.R. 1330: Mr. DELLUMS.

H.R. 1361: Mr. FILNER, Mrs. MALONEY of New York, Mr. MANTON, Mr. LIPINSKI, Mr. MCGOVERN, Mr. VISCLOSKY, Mr. TORRES, Mr. UNDERWOOD, Ms. RIVERS, and Mrs. MORELLA.

H.R. 1362: Mr. ALLEN, Mr. CUNNINGHAM, Mr. COMBEST, Mr. SCARBOROUGH, Mr. MCNULTY, Mr. TIERNEY, Mr. THORNBERRY, Mr. CALVERT, and Mr. FOX of Pennsylvania.

H.R. 1382: Mr. BONIOR.

H.R. 1398: Mr. DUNCAN.

H.R. 1421: Mr. SMITH of New Jersey and Mr. GOODLATTE.

H.R. 1432: Mr. SABO and Mr. MCGOVERN.

H.R. 1437: Mr. GEJDENSON.

H.R. 1524: Mr. DELAHUNT, Mr. DEFAZIO, and Ms. HOOLEY of Oregon.

H.R. 1532: Mr. REYES, Mr. SERRANO, Mr. THUNE, Mr. WAMP, Mr. BOB SCHAFFER, Mr. ACKERMAN, Mr. BRYANT, Mr. SCARBOROUGH, Mr. HASTINGS of Washington, Mr. HUTCHINSON, Mr. STRICKLAND, and Mr. ROGAN.

H.R. 1534: Mr. HILL, Mr. PICKETT, Mr. SENSENBRENNER, and Mr. NEUMANN.

H.R. 1536: Mr. SENSENBRENNER.

H.R. 1542: Mr. HILL and Mr. BLUNT.

H.R. 1543: Mrs. TAUSCHER.

H.R. 1556: Mr. PRICE of North Carolina.

H.R. 1592: Mr. LIPINSKI, Mr. JONES, Mr. CUNNINGHAM, Mr. GOSS, Mr. DAVIS of Illinois, and Mr. PETRI.

H.R. 1609: Mr. ROTHMAN.

H.R. 1630: Mr. DELAHUNT, Mr. COBLE, Mr. JOHNSON of Wisconsin, Mr. BORSKI, Mr. STUPAK, and Mr. BLUMENAUER.

H.R. 1636: Mr. POSHARD, Mr. METCALF, Ms. ROYBAL-ALLARD, Mr. TOWNS, Ms. JACKSON-LEE, Mr. SHERMAN, Mr. VENTO, Ms. LOFGREN, Mr. TORRES, and Ms. SLAUGHTER.

H.R. 1685: Mr. GOODLING, Mr. KLUG, Ms. FURSE, Mr. PARKER, Mr. GORDON, Mr. PAPPAS, Mr. FRANK of Massachusetts, Mr. BARTLETT of Maryland, Mr. LATOURETTE, Mr. BAKER, Mr. SPENCE, Mr. NORWOOD, Ms. ROS-LEHTINEN, Mr. RUSH, Mrs. LINDA SMITH of Washington, Mr. DIAZ-BALART, Mr. MCINTOSH, Mr. MCDADE, Mr. ROGERS, Mr. SOUDER, Mr. CRAPO, Mr. GOSS, Mr. SCARBOROUGH, Mr. REGULA, Mr. ISTOOK, Mr. LEWIS of Kentucky, Mr. DREIER, Mr. STRICKLAND, Mr. COBURN, Mr. KINGSTON, Mr. INGLIS of South Carolina, Mr. HUNTER, Mr. BURTON of Indiana, Mr. SCHIFF, Mr. PAYNE, Mr. CALVERT, Mr. PETERSON of Pennsylvania, Mr. HOEKSTRA, and Mr. TAYLOR of North Carolina.

H.R. 1689: Mr. GANSKE.

H.R. 1712: Mr. MANZULLO.

H.R. 1716: Mr. HASTINGS of Florida and Mr. OLVER.

H.R. 1717: Mr. KLUG.

H.R. 1741: Mr. DELAHUNT, Mr. BEREUTER, and Mr. BARRETT of Wisconsin.

H.R. 1766: Mr. NEY, Mrs. EMERSON, Mr. BARCIA of Michigan, and Mr. MCINTYRE.

H.R. 1773: Mr. FROST, Mr. GUTIERREZ, and Ms. RIVERS.

H.R. 1799: Mr. KILDEE and Mr. KNOLLENBERG.

H.R. 1812: Mr. MANZULLO and Mr. CANNON.

H.R. 1815: Mr. FARR of California, Mr. OLVER, Mr. KLECZKA, Mr. THOMPSON, and Mr. DEFAZIO.

H.R. 1818: Mr. WHITFIELD.

H.R. 1819: Mr. FILNER and Mr. ALLEN.

H.R. 1839: Mr. BROWN of Ohio and Mr. NETHERCUTT.

H.R. 1843: Mr. BALDACCI.

H.R. 1847: Mr. MCCOLLUM, Mr. BUYER, and Mr. WEXLER.

H.R. 1848: Mr. WOLF.

H.R. 1853: Mr. PETERSON of Pennsylvania, Mr. GREENWOOD, and Mr. GRAHAM.

H.R. 1854: Mr. OBERSTAR, Mr. FROST, Ms. LOFGREN, Mr. MORAN of Virginia, and Mr. LAFALCE.

H.J. Res. 78: Mr. SENSENBRENNER, Mr. NEY, Mr. BONO, Mr. METCALF, Mr. NUSSLE, and Mr. GOSS.

H. Con. Res. 19: Ms. PELOSI, Mr. GEJDENSON, Ms. NORTON, Mr. MILLER of California, Mr. ABERCROMBIE, Mr. STARK, Mr. MCGOVERN, Mrs. KELLY, Mr. FROST, Mr. SANDERS, Mr. FILNER, Mrs. MORELLA, and Mrs. TAUSCHER.

H. Con. Res. 23: Mrs. TAUSCHER.

H. Con. Res. 52: Mr. STUMP, Mr. HALL of Texas, Mr. ANDREWS, Mr. MCNULTY, and Mr. CLAY.

H. Con. Res. 65: Mr. BILIRAKIS, Mr. LAMPSON, Mrs. ROUKEMA, Mr. LAZIO of New York, Mr. KLECZKA, Mr. STARK, Ms. SANCHEZ, Mr. WEXLER, Mr. PICKERING, Mr. STRICKLAND, Mr. THOMPSON, and Ms. DELAURO.

H. Con. Res. 75: Mr. YATES and Mr. WEXLER.

H. Con. Res. 89: Mrs. MALONEY of New York, Ms. MCCARTHY of Missouri, Mrs. MINK of Hawaii, Mrs. THURMAN, Mr. PALLONE, Mr. RODRIGUEZ, Ms. DELAURO, Mrs. KENNELLY of Connecticut, Mr. BONIOR, Mr. MATSUI, Mr. MILLER of California, Mr. KILDEE, Mr. STUPAK, Mr. HINCHEY, Mr. EVANS, Mr. CRAMER, Mr. ACKERMAN, Ms. ESHOO, Mr. GEJDENSON, Mr. MARKEY, Mr. BROWN of California, Mr. DELAHUNT, Mr. MOAKLEY, Mr. COYNE, Mr. STARK, Mr. NADLER, Mr. WAXMAN, Ms. HARMAN, Mr. FAZIO of California, Mr. BARRETT of Wisconsin, Mr. STRICKLAND, Mr. CARDIN, Mr. VENTO, Mr. ROYCE, Mr. FILNER, Ms. PELOSI, Mr. MENENDEZ, Mr. GORDON, Mr. DEUTSCH, and Mr. SAWYER.

H. Con. Res. 91: Mr. ANDREWS.

H. Res. 37: Mr. ACKERMAN and Mr. WOLF.

H. Res. 119: Mr. LEWIS of Georgia, Mr. MARTINEZ, Mrs. MALONEY of New York, Mr. MCGOVERN, Ms. RIVERS, Mr. KILDEE, Mr. PRICE of North Carolina, Mr. VISCLOSKY, Ms. ROYBAL-ALLARD, and Mr. LUTHER.

H. Res. 139: Mr. BURTON of Indiana, Mr. SHADEGG, Mr. KLUG, and Mr. MANZULLO.