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PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, FIRST SESSION

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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore [Mr. PETRI].

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
July 8, 1997.

I hereby designate the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2014. An act to provide for reconciliation pursuant to subsections (b)(2) and (d) of section 105 of the concurrent resolution on the budget for fiscal year 1998; and

H.R. 2015. An act to provide for reconciliation pursuant to subsections (b)(1) and (c) of section 105 of the concurrent resolution on the budget for fiscal year 1998.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2014) ''An Act to provide for reconciliation pursuant to subsections (b)(2) and (d) of section 105 of the concurrent resolution on the budget for fiscal year 1998,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints from the Committee on Finance: Mr. ROTH, Mr. LOTT, and Mr. MOYNIHAN; and the Committee on the Budget: Mr. DOMENICI, Mr. GRASSLEY, Mr. NICKLES, Mr. LAUTENBERG, and Mr. CONRAD, to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2015) ''An Act to provide for reconciliation pursuant to subsections (b)(1) and (c) of section 105 of the concurrent resolution on the budget for fiscal year 1998,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints from the Committee on the Budget: Mr. DOMENICI, Mr. GRASSLEY, Mr. NICKLES, Mr. GRAMM, Mr. LAUTENBERG, Mr. CONRAD, and Mrs. BOXER; the Committee on Agriculture, Nutrition, and Forestry: Mr. LUGAR, Mr. HELMS, and Mr. HARKIN; the Committee on Banking, Housing, and Urban Affairs: Mr. D'AMATO, Mr. SHELBY, and Mr. SARBANES; the Committee on Commerce, Science, and Transportation: Mr. MCCAIN, Mr. STEVENS, and Mr. HOLLINGS; the Committee on Energy and Natural Resources: Mr. MURKOWSKI, Mr. CRAIG, and Mr. BUMPERS; the Committee on Finance: Mr. ROTH, Mr. LOTT, and Mr. MOYNIHAN; the Committee on Governmental Affairs: Mr. THOMPSON, Ms. COLLINS, and Mr. GLENN; the Committee on Labor and Human Resources: Mr. JEFFORDS, Mr. COATS, and Mr. KENNEDY; and the Committee on Veterans' Affairs: Mr. SPECTER, Mr. THURMOND, and Mr. ROCKEFELLER, to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 417. An act to extend energy conservation programs under the Energy Policy and Conservation Act through September 30, 2002.

The message also announced that pursuant to the provisions of Public Law 99–93, as amended by Public Law 99–151, the Chair, on behalf of the Vice President, appoints the Senator from Alabama [Mr. SESSIONS], as a member of the United States Senate Caucus on International Narcotics Control.

The message also announced that pursuant to the provisions of Public Law 99–93, as amended by Public Law 99–151, the Chair, on behalf of the Vice President, appoints the Senator from California [Mrs. FEINSTEIN], as a member of the United States Senate Caucus on International Narcotics Control.

The message also announced that pursuant to Public Law 101–509, the Chair announces, on behalf of the Secretary of the Senate, his appointment of James F. Blumstein, of Tennessee, to the Advisory Committee on the Records of Congress.

The message also announced that pursuant to Public Law 104–293, the Chair, on behalf of the Democratic Leader, appoints J. James Exon of Nebraska, as a member of the Commission to Assess the Organization of the Federal Government to Combat the Proliferation of Weapons of Mass Destruction.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Florida [Mr. STEARNS] for 5 minutes.

FDA AND EPA SHOULD POSTPONE ACTION AFFECTING ASTHMA PATIENTS

Mr. STEARNS. Mr. Speaker, I rise today to bring our colleagues' attention to the FDA's proposed policy that would deny asthma patients the medicines they need to help them breathe. I and the gentleman from New Jersey

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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[Mr. SMITH] expect to propose a resolution urging the FDA and the EPA to postpone action on this matter.

Mr. Speaker, 30 million people in the United States today rely on these medications and as each of us know, some better than others, these people use a product called a metered dose inhaler, which I will refer to as MDI, to deliver the medications they need into their lungs. Over the past 25 years, we have developed many new treatments for people with asthma, chronic pulmonary disease, and other airway diseases that prevent people from breathing. In fact, there are now 70 different products available in metered dose inhalers. For people who cannot breathe, these products are lifesavers and allow people to lead normal lives.

On March 6, 1997, the Food and Drug Administration surprisingly issued an advance notice of proposed rulemaking that sets in motion a process to take these medications away from patients. According to the FDA, this proposed rule was developed in collaboration with the Environmental Protection Agency because of EPA's desire to eliminate all uses of chlorofluorocarbons. These are what are called CFC's, which I will refer to them as.

CFC's are important in this picture because all metered dose inhalers, except one, use CFC's, a propellant that gets the medicine from the inhaler canister into the patients' lungs. Until recently, CFC's were the only propellant approved by the FDA to do so.

I am told the makers of metered dose inhalers believe that elimination of CFC's is a worthy goal. Therefore, that is why the United States and 140 other countries signed a treaty to phase out CFC's use. I believe this treaty did a good job establishing a process that allows companies that make products that use CFC's to develop alternatives and get these to the customers.

The treaty went for the big users of CFC's first. In the United States we no longer use CFC's in hair sprays, air fresheners, new cars containing air-conditioning systems, and new refrigerators. Some of us here in the House may question this altogether, but it is done.

The treaty, however, also acknowledged that some uses were more difficult to phase out. Asthma medicines were one of them. So why is the FDA now proposing action that would unnecessarily move up the time line provided in this international treaty? Why, when FDA's mission is to provide patients with safe and effective medicines, is it seeking to ban the safe and effective medicines from patients who require them?

Thousands of Americans fear this proposed policy. I am keenly aware of the fear my constituents have. A woman in Ocala, my hometown of Florida, said,

I understand there is an FDA proposal to withdraw certain inhaler medications. As an asthmatic patient with a daughter and 3 grandchildren who are also asthmatic, I protest your proposal vehemently. The CFC and the metered dose inhalers have minimal impact on the environment, and any one of my family could suffer or die because of your phasing out the proposal. You will be responsible.

Another man from Ocala, FL, writes,

In September 1993, I was discharged from the hospital under the care of a hospice. I had been confined for almost a month with viral pneumonia and was being treated with a wide range of medications, including 16 liters a minute of oxygen. The pulmonary specialist who had attended me had given up hope and estimated that I could live for perhaps 2 weeks. Needless to say, they were wrong and I survived but my lungs are severely damaged. I have been using three different MDI medications ever since my 'recovery' and would not survive without them. Great strides have been made in elimination of these products in refrigeration systems and in various aerosol sprays but MDI products must be viewed in a totally different way. They are essential to the health of many persons as opposed to the other products which were used for comfort or convenience. Moreover, reasonable substitutes have been found for nonmedical products. This is not the case for MDI's. Potential substitutes must be subjected to the usual comprehensive scrutiny that the FDA applies to all medications. I cannot believe that the tiny amount of CFC's released by MDI's would produce a detectable level of CFC in the atmosphere between now and the time a medically safe substitute can be developed. I urge the FDA and the EPA to postpone action on elimination of CFC's from metered dose inhalers until such a medically safe substitute is found.

In conclusion, another woman from Ocala states,

My life depends on MDI's and I am never without three of them, and they all contain different medicines. I'm 69 years of age and I've used them most of my adult life and I cannot understand the big rush suddenly to ban the MDI's. It is frightening to think of the ban since my very life depends upon it.

Mr. Speaker, these are just a few of the 10,000 letters that the FDA has received. I hope my colleagues will sponsor my bill. We must halt the FDA's action, which is harmful to patients.

TRIBUTE TO THE LIFE OF CHARLES KURALT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from North Carolina [Mr. PRICE] is recognized during morning hour debates for 2 minutes.

Mr. PRICE of North Carolina. Mr. Speaker, Charles Kuralt was an ambassador for North Carolina. With a crinkled road map and a two-man camera crew, he set out to see America. He was a wonderfully gifted storyteller and the story he told was ours. He wanted to showcase the very best of America, not the headlines or the lead stories in the news but the America of ordinary people living extraordinary lives. Charles Kuralt knew that many people report on the mayhem of the world, but he had a more important story to tell.

When Walter Cronkite stepped down from anchoring, Charles Kuralt had the opportunity to take the helm but he turned it down so he could continue to see America his way, traveling the forgotten State highways in his rambling RV, stopping in the small country stores to ''sit a spell.''

He gave a voice to every American. Interviewing the North Carolina woman who at 104 years old visited nursing homes each week to sing and to bring a smile to tired faces. Or the story of the poor southern family that worked to send all nine kids to college. Charles Kuralt believed these families and their stories were not only ''small town'' America, they were the very essence of America. We understand ourselves and each other better because of the work he did among us.

An ambassador for North Carolina who made us proud, Charles Kuralt is being honored at this moment at a memorial service at his alma mater, the University of North Carolina at Chapel Hill. He was a North Carolinian who set out to understand America and today, after an incredible journey, he will come back home to rest beneath the magnolia trees in Chapel Hill.

LEGISLATION TO EASE IRS BURDEN ON ELECTION OFFICIALS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Pennsylvania [Mr. GEKAS] is recognized during morning hour debates for 5 minutes.

Mr. GEKAS. Mr. Speaker, it is not an overstatement to say that our system of free elections, which is the envy of the world and the envy of the history of civilization, depends a great deal on the volunteer election system that we have in manning and womaning the polls, our election workers who come from our neighborhoods and who help every single election day to put through a process which, as I say, is the envy of the world. Yet over the last several years we have found a subtle threat to these free elections. I say again I am not overstating it. What has happened is that the IRS has mandated that even these workers who only work once or twice a year, who most of the time are senior citizens who have long since retired and are only helping out in their precincts because they have been requested to and because they want to help out, they are being subjected to the same tax regulations as the high-earning citizens of our communities.

A long time ago the Congress took a step to try to help the situation, to say that if a person earns less than $1,000 a

year, they would not have to file FICA, the Social Security mandated provisions. What my legislation does is to take it a step further and to say that those who are earning $1,000 or less, and most of those people would be found in the category of these election workers, if they earn $1,000 or less not only would they not have to comply with Social Security as is already the law, but now they would not have to file the W–4's in response to the W–2's and that the local election officials would not have to bother with that if they are reasonably certain that the people they are employing for these 1- or 2-day-a-year jobs would not be earning more than the $1,000 that would qualify them for the Social Security in the first place.

This is a problem for every single Member of the House and of the Senate. The election workers are the people who make our system work. The less we bother them with details that are meaningless, the better off we are and the better off they are. They will be more easily recruited for these positions on the election precinct basis and we can be certain that the free elections of which we are so proud can be guaranteed.

So I am offering the legislation. I have the cosponsorship of the gentleman from Texas [Mr. FROST], who is well aware of the program that we are trying to inject into the system. Now I invite the cosponsorship of others. It is a simple in my judgment technical amendment to conform to another technical amendment that already is on the books that would exempt our senior citizen election officials from the FICA portions, now we want to exclude them from all the paperwork that has been so burdensome to them and to the county officials who have to implement the election laws.

INTRODUCTION OF INTERNATIONAL TOBACCO RESPONSIBILITY ACT OF 1997

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Texas [Mr. DOGGETT] is recognized during morning hour debates for 5 minutes.

Mr. DOGGETT. Mr. Speaker, this week I am introducing the International Tobacco Responsibility Act. To some, this title will itself appear contradictory, for clearly the tobacco lobby has never been known to accept responsibility for the death and disease that its products cause. But now, under the terms of the proposed tobacco settlement, American companies have agreed to impose more meaningful labeling and warning requirements on their products and on their advertisements. Under this settlement's terms, for the first time cigarette packs will carry warnings such as ''Smoking Kills,'' which it obviously does; ''Smoking is Addictive''; and ''Smoking Causes Cancer, Heart Disease and Emphysema.'' Yet while the settlement requires these warnings on tobacco sold here at home, it makes no effort to curb the export of death.

As noted in a recent front page article in the New York Times entitled ''Fenced in at Home, Marlboro Man Looks Abroad'':

> If there is a heaven for beleaguered cigarette manufacturers of the West, it is the developing markets of eastern Europe, Asia and the Middle East, half a world away from . . . assertive regulators. . . .

□ 1245

Indeed, in agreeing to settle the lawsuits brought against them here in America, the corporate nicotine dealers made sure that they retained full authority to promote a nicotine fix that hooks kids around the world with their deadly products, and they are doing that just as fast as they can.

Since 1990, Philip Morris, for example, has had its sales go up by 4.7 percent here in the United States but abroad, it has grown 80 percent. The world's children, the children are the newest target of Big Tobacco's continued addiction itself to making money at the expense of human lives. Joe Camel and the Marlboro cowboy, they have not gone away; they are just taking a trip overseas where they will appear on a billboard next to someone else's school and on the pages of a youth-oriented magazine in another language.

Big Tobacco knows that it can pay any penalties that we impose in America with profits earned at the expense of someone else's children. That is wrong. If America is to call itself a world leader, it must also lead in the battle to save the lives of young children from nicotine addiction, and that leadership means more than just saving lives in my home State of Texas or in Ohio; it means being concerned about the lives of young children in Poland or in Korea.

The tragic consequences of nicotine addiction do not know any national boundaries. Tobacco does not discriminate. It kills people regardless of race, creed, color or national origin, and American tobacco companies should have the responsibility to warn smokers everywhere across this world of the ghastly health effects of their products.

The International Tobacco Act of 1997 would take three important steps toward addressing this worldwide health menace.

First, it would require that American tobacco companies apply the same warning labels to their products sold overseas and their advertisements as they are required to do in the United States. While current United States law requires labels on domestic cigarette packs, it specifically exempts exported cigarettes. This bill would repeal that loophole and require labels on tobacco products produced here or wherever their ultimate destination.

Second, the International Tobacco Responsibility Act would prohibit the existing subsidy, yes subsidy, by American taxpayers for promoting overseas tobacco sales. Too often in the past Federal officials in our own Government have been accomplices to exporting death and disease throughout the world. Employees of our Government, paid with our tax money, have promoted tobacco abroad and brought down advertising restrictions in other countries that were designed to prevent addicting children and others overseas from the very way that they have been exploited here at home.

Third, the International Tobacco Responsibility Act would call on the United States of America to exercise some moral leadership on this vital issue. If we can achieve an international accord to restrict the trade in ivory to protect elephant herds around the world, surely we can seek accords to restrict the marketing of lethal tobacco products to the world's children.

This bill would urge the President to seek, through the United Nations, an international conference to implement measures such as those in the proposed settlement agreement to reduce nicotine consumption worldwide. In Japan, one warning label modestly suggests ''let us carefully observe smoking manners.'' Clearly it would be the ultimate hypocrisy to continue to promote death abroad at the same time we address the needs of our own children here at home.

As we move toward consideration of the proposed tobacco settlement, we must not default on our obligation as a world leader. We should seize this unique opportunity to act responsibly ourselves, while seeking concerted international action to limit trafficking in a highly addictive drug that kills more people worldwide than any other.

PRESERVE FUNDING FOR THE ARTS

The SPEAKER pro tempore (Mr. PETRI). Under the Speaker's announced policy of January 21, 1997, the gentleman from Massachusetts [Mr. MCGOVERN] is recognized during morning hour debates for 5 minutes.

Mr. McGOVERN. Mr. Speaker, some of my colleagues have been arguing that the Federal Government should bear no responsibility for funding the arts. They claim that the National Endowment for the Arts is a shameful bureaucracy, out of touch with the American people; that it is a bastion of elitism; that Americans would be better off without it.

Mr. Speaker, those colleagues are wrong, and I rise today to set the record straight.

I was in my hometown of Worcester, MA, for the Fourth of July festivities. Before the fireworks took to the sky, I sat with 30,000 of my constituents as we were collectively awed by the Central Massachusetts Symphony Orchestra performance. It was a breathtaking experience. The concert was free to the

public; the music, a gift to everyone who gathered at East Park. The Central Massachusetts Symphony Orchestra is a beneficiary of grants from the Worcester Cultural Commission and the Massachusetts Cultural Counsel which receives funding from the National Endowment for the Arts.

The NEA is not the exclusive funding source for arts in America. The lion's share of their funding comes from private individuals and corporations, and eliminating the NEA will not eliminate the arts; but it will curb average Americans' abilities to access them, to learn and grow from them and to enrich their children with them.

If the NEA is eliminated, the arts will become a private enterprise, the exclusive domain of the wealthy and well connected. The work of the American theater troops, musicians, painters, writers, and photographers belong to every American, not just those who can afford season tickets, private passes, and A-list invitations. As the arts preserve, reinvent and create our national heritage, they serve each of us. Their creations should be available for all of us to see, hear, feel and experience. The NEA helps make this happen.

The growth of museums, dance and opera companies, symphony orchestras and presenting groups is the direct result of NEA resources. Without the NEA, States like Massachusetts will become a tale of two cities. Larger cities like Boston will always find the resources to preserve the cultural centers. It is medium-sized and small cities, it is rural communities like those in my district that will suffer without Federal arts funding.

One glorious example of the NEA's handiwork is the Worcester Art Museum. Because of a $15,000 NEA grant, the Worcester Art Museum was able to open the landmark exhibition entitled Grant Wood: An American master revealed. Over 57,000 men, women, and children throughout the area marveled at this exhibition. Free tours were given to over 3,800 students and a family day with hands-on art activities drew close to 2,000 people. Worcester Art Museum is expecting tens of thousands more people from Massachusetts and throughout New England to attend exhibitions planned for this coming year, and each of them is being made possible through NEA funding.

The NEA has done much to fund and recognize the educational value of the arts. Arts in the classroom have been proven to increase student attendance, bolster self-esteem, broaden vocabulary and boost overall academic progress. By teaching about the arts in our schools we not only enrich our students' cultural education, we actually help them learn. I have long been committed to reining in wasteful Government spending; but to target the NEA as the source of that waste demonstrates a fundamental misunderstanding of the Federal budget. Sadly, as this Congress seeks to eliminate the modest Federal funding for museums, symphony orchestras, and theater groups across this Nation in the name of deficit reduction, it has succeeded in pouring billions and billions of dollars more into B–2 bombers that even the Pentagon says it does not need and does not want. It is absurd.

The former Governor of New York, Mario Cuomo, spoke eloquently about the current state of our society. He said that it is simply a tragedy that so many of our Nation's children will hear the sounds of gunfire before they hear the sounds of a symphony.

It is not simply a matter of resources, Mr. Speaker, it is a matter of priorities. Each taxpayer contributes less than 70 cents per year to the NEA, and I think that is a small price to pay to protect our heritage and preserve our culture. If anything, the NEA actually helps balance the budget. The NEA's investment in the Nation's arts acts as a catalyst for over $3.4 billion in Federal tax revenue. It stimulates local economies and urban renewal. In my district, cities, and towns from Worcester to Fall River have witnessed the benefits of increased tourism and economic growth as a result of the NEA.

What message will we be sending to the Nation if the National Endowment for the Arts is eliminated? To cut the NEA is to reduce our national commitment to cultural activity. It is to decrease national visibility for cultural education, and it may prompt the States and local governments to cut the funding for the arts as well.

The arts bring people together, heal communities, and provide us with a common language. Supporting the arts is central both to our understanding of past civilizations and to constructing a shared vision for the future.

In conclusion, if we care that historical monuments will continue to be treasured and experienced by all, if we care that traveling exhibitions will make it beyond our Nation's largest cities, if we care that our children will be able to open the doors to America's culture and history, if we believe that music, drama and visual works, these flowers of our national experience must be made available to all, then we must support the National Endowment for the Arts.

GAY AND LESBIAN PRIDE CELEBRATION 1997

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Massachusetts [Mr. FRANK] is recognized during morning hour debates for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, during the month of June, gay and lesbian people throughout this country celebrated our presence in this country. That is a tradition that has now gone on for more than 20 years, but this year there was one difference. As Herb and I prepared to go to New York to participate in the New York celebration, I carried with me a statement from the President of the United States in which he welcomed the gay and lesbian pride celebrations and reaffirmed his commitment, the President's commitment, to fighting anti-gay and lesbian prejudice.

Bill Clinton is the first President in our history to confront this prejudice. Unfortunately, by the norms of American political discourse, you generally today get criticized by people when they are unhappy and ignored when you have done something that they should be applauding.

President Clinton is entitled to a good deal of praise for his willingness to confront one of the enduring prejudices that has blighted our ability as a nation to fully realize our constitutional ideals. I believe Mr. Speaker, given the historic nature of this proclamation which I was pleased to get a copy of from Richard Socarides, a very able aid at the White House who worked on these issues, I think it is appropriate that the President's statement on Gay and Lesbian Pride Celebration 1997 be shared here in this Chamber. So I will now, with unanimous consent, proceed to read the President's celebration:

Warm greetings to all those participating in the 1997 Gay and Lesbian Pride Celebration.

Throughout America's history, we have overcome tremendous challenges by drawing strength from our great diversity. We must never believe that our diversity is a weakness. The talents, contributions and goodwill of people from so many different backgrounds have enriched our national life and have enabled us to fulfill our common hopes and dreams. As we stand at the dawn of a new century, we must all rededicate ourselves to reaching the vital goals of acceptance and inclusion. America's continued success will depend on our ability to understand, appreciate, and care for one another.

We're not there yet, and that is why our efforts to end discrimination against lesbians and gays are so important. Like each of you, I remain dedicated to ending discrimination and preserving the civil rights of every citizen in our society. We have begun to wage an all-out campaign against hate crimes in America, crimes that are often viciously directed at gay men and lesbians. I have also endorsed and fought for civil rights legislation that would protect gay and lesbian Americans from discrimination. The Employment Nondiscrimination Act now being considered in Congress would put an end to discrimination against gay men and lesbians in the workplace, discrimination that is currently legal in 39 States. These efforts reflect our belief in the right of every American to be judged on his or her merits and ability, and to be allowed to contribute to society without facing discrimination on the basis of sexual orientation. And they reflect our ongoing fight against bigotry and intolerance in our country and in our hearts.

My Administration's record of inclusiveness is a strong one, but it is a record to build on. I am proud of the many openly gay men and lesbians who serve with distinction in my Administration, and their impact will

continue to be significant in the years ahead. I pledge to you that I will continue striving to foster compassion and understanding, working not simply to tolerate our differences, but to celebrate them.

Best wishes for a memorable celebration. Bill Clinton.

□ 1300

Mr. Speaker, I congratulate the President on his willingness to speak out. It is consonant with the many actions he has taken in a number of areas to ban discrimination and to fight for the right of all Americans, as he said, to be judged on their individual merits, without being held back by some irrational prejudice.

RECESS

The SPEAKER pro tempore (Mr. PETRI). Pursuant to clause 12 of rule I, the House will stand in recess until 2 p.m.

Accordingly (at 1 o'clock p.m.) the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GOODLING) at 2 p.m.

PRAYER

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

Enable us, O gracious God, to translate our noble words and affirmations into acts and deeds of value and worth. Encourage us to transpose our postures of goodness and charity into food for the hungry, shelter for the homeless, and peace and security for the troubled. Inspire us to convert our creeds of faith into works of justice and into accomplishments that heal the soul and comfort every person. Bless us, O God, as we seek to be Your people and do those deeds that honor You and serve people in their need. In Your name we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. WICKER 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.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The Speaker pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 30, 1997.

Hon. NEWT GINGRICH,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on Monday, June 30, 1997 at 10:45 a.m.:

that the Senate passed without amendment H.R. 173;

that the Senate passed without amendment H.R. 649.

With warm regards,

ROBIN H. CARLE,
Clerk, House of Representatives.

COMMUNICATION FROM STAFF MEMBER OF HON. ROBERT L. LIVINGSTON, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Betty S. Barnes, staff assistant for the Hon. ROBERT L. LIVINGSTON, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 25, 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 District Court for the Parish of Orleans, State of Louisiana.

After consultation with the General Counsel, I have determined that compliance is consistent with the privileges of the House.

Sincerely,

BETTY S. BARNES.

THE LIBERALS AND TAX CUTS

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

Mr. HEFLEY. Mr. Speaker, the last time taxes were cut in the 1980's several things happened. Many people like to call it the Reagan boom. It followed the tough times people faced in the 1970's.

During the Reagan boom, 18 million jobs were created; 18 million jobs were created. Manufacturing production increased by almost 50 percent. These are good-paying manufacturing jobs, Mr. Speaker. Incomes went up across the board. Taken together, we can say that prosperity went up.

Yes, the deficit also went up, but the dirty little secret that one never ever hears the liberals talk about is that spending went up, and spending increases are what caused the deficit to increase.

What about revenues? Why do we not ask the liberals if revenues increased or decreased? They increased.

Why do we not ask them to tell us if tax cuts resulted in revenues going up or going down? They went up.

Why do we not ask them to explain to us how the tax cuts caused the deficit? They did not. Why do we not learn from experience, Mr. Speaker?

CRAFTING A BALANCED BUDGET RESOLUTION

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

Mr. PALLONE. Mr. Speaker, now that we have returned from the Independence Day district work period, negotiators between the House and the Senate will get down to business hammering out a final version of the balanced budget resolution. Democrats have argued in favor of tax cuts primarily for the middle class while Republicans seem intent on large tax breaks for their wealthy friends. A recent Treasury Department report indicated that in the last year of the Republican budget proposal, affluent Americans would be the primary beneficiaries of the tax cuts. Over half of the tax cuts would benefit those making nearly a quarter of a million dollars and more. President Clinton's and other Democratic proposals seek to give more back to the middle class. Our tax proposals provide more money for education expenses and for working families.

Mr. Speaker, the budget negotiators must move to lighten the burden on low- and middle-income families if they are to gain the President's approval and not break the promises that were made to working families as part of this budget deal.

SUPPORT H.R. 1917, HARDROCK MINING PROTECTION ACT OF 1997

(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, mining is one of the most important and needed industries in the United States. However, the Bureau of Land Management's decision to enforce a final rule on reclamation bonding of hardrock mineral operations is having a negative impact on large and small miners alike as well as their suppliers, contractors and the economy.

Mr. Speaker, the good news is that I have introduced legislation that will transfer the authority of the Bureau of Land Management to require bonds or other financial guarantees for the reclamation of mineral operations to State governments. Once again the current Federal rule is a mandate of action on the States and does not give them the option of solving local problems at local levels. My bill will allow States to work in cooperation with miners, contractors and suppliers to develop a strategy that will protect our public lands while supporting an industry that every American is dependent upon. I urge my colleagues to support H.R. 1917, the Hardrock Mining Protection Act of 1997. We must protect the

future of mining and the thousands of jobs it produces for American families.

TELLING IT LIKE IT IS

(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, let us tell it like it is. When monks and nuns who take a vow of poverty give $140,000 to a presidential campaign, ladies and gentlemen, when a welfare worker who makes $20,000 a year gives the entire $20,000 to a presidential campaign, something is funny.

If that is not enough to freeze your stir fry, when an Assistant Secretary of Commerce responsible for international trade raises 3.5 million Chinese dollars for a presidential campaign, this is not China-gate, this is sewer-gate. This is not about Democrats, this is not about Republicans. This is about national security and Communists, Communists who may have compromised big people in high places in our Government.

But let me say this, Congress. These Chinese Communists did not provide all those bucks because they are enamored with and love America. Beam me up, Mr. Speaker. I say, let the dragon chips fall where they may.

TREASURY DEPARTMENT LIKENED TO OLIVER STONE IN TAX CUT DEBATE

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

Mr. BALLENGER. Mr. Speaker, White House figures showing that the tax cut package mainly benefits the rich have as much credibility as an Oliver Stone movie. Like Oliver Stone, the Treasury Department has decided to make stuff up.

It is even worse than that. Like Oliver Stone, the Treasury Department uses tax numbers in a way that deliberately is designed to deceive. Again like Oliver Stone, the Treasury Department is counting on the fact that most people will not be able to tell the difference between what is the truth and what is fiction.

I am talking about the Treasury Department's fraudulent use of family economic income, a new, ingenious way to make middle-class families look rich. Family economic income, you ask? What is that?

Now you begin to see what I am talking about. Oh, sure, imputed rent income, unreported income you never knew you had, unrealized capital gains you never knew you had. Stuff like that. It is so dishonest it would make even Oliver Stone proud.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 886

Ms. NORTON. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts (Mr. FRANK) be removed as a cosponsor of my bill, H.R. 886.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

PREVIEW OF SPECIAL ORDER COMMEMORATING LIFE OF BETTY SHABAZZ

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

Ms. NORTON. Mr. Speaker, this coming Thursday I will lead a special order on the life of Dr. Betty Shabazz. Her tragic death from burns to her body cannot overwhelm her triumphant life. Betty's life teaches that it is possible to rise against all the odds. She became a devoted mother and grandmother and a distinguished educator and bearer of the legacy of a great man.

Like her husband, Malcolm X, Betty Shabazz was not defeated by life's cruel terms but used them to become a better, deeper, stronger person. Malcolm left behind racial bitterness and embraced orthodox Islam and universal human rights. Like Malcolm X, Betty Shabazz took the best of her old life and created a new reality, of devotion to family, educational excellence, and human rights. Please join me in celebrating the life of Betty Shabazz this Thursday in a special order.

TAX RELIEF FOR THE MIDDLE CLASS

(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, I have seen information from the 1996 Statistical Abstract of the United States, and on page 461 is a table of statistics that shows the median household income in 1994, the latest year of which figures are available, was $32,264. An American household earning $32,264 is about as middle class as middle class can be.

So the question I have is should middle-class households, such as one earning $32,264 a year, be given tax relief? Should Washington spend a little bit less money so that families with incomes of about $32,000 a year can have a little more?

I think we should. I think we should let middle-income families keep a little more of what is already theirs, their hard-earned money, and that tax relief package that was passed by Congress was designed exactly for the middle class.

My mind keeps going back to the single mother working at an aircraft company in Wichita, KS. She has three children. She is working hard trying to keep the three kids in school, properly clothed, never going hungry, living in a good home. Should she be able to keep more of her hard-earned money? I think so. Yes, Mr. Speaker, she should.

TIME TO BAN LAND MINES

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

Mr. MORAN of Virginia. Mr. Speaker, we have to assume greater responsibility for and take greater leadership against the proliferation of land mines throughout the world. Land mines were responsible for one-third of all the casualties in the Vietnam war. Likewise in the Persian Gulf war, they were responsible for one-third of the casualties. Already there have been 284 casualties due to land mines in Bosnia.

But it is not just professional military forces that suffer from these horrible instruments of death. Last year over 26,000 people were killed or maimed by land mines. That is one person every 20 minutes. Most of these victims were not members of the military. Most of them were children. Many of these children are victims of wars long ended, of conflicts long forgotten, but land mines can stay active for over 50 years, Mr. Speaker. They will kill children whose parents are not even born yet. And even though some countries have more active land mines in their territory than people, we continue to plant 2 million more land mines every year. It is time to ban them.

CYPRUS PEACE TALKS

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

Mr. PAPPAS. Mr. Speaker, this week Greek Cypriot President Glafcos Clerides, and Rauf Denktash, the Turkish Cypriot leader, have agreed to meet in upstate New York to start serious bilateral peace negotiations.

It has been 23 years since the Turkish invasion of the Island of Cyprus, and a significant military presence on both sides still remains. It is my hope that the discussions will concentrate on the removal of Turkish troops, the restoration of the territorial integrity of the Republic of Cyprus, and the implementation of a constitutional democracy.

Just as neighboring Greece, the birthplace of my grandparents, is the birthplace of democracy, it is very important that Cyprus serve as another cradle of democracy in southeast Europe.

Today marks a positive first step forward. Opening a line of communication can only lead to greater understanding.

Mr. Speaker, I wish both sides well and hope for a lasting and peaceful resolution for the people of Cyprus.

□ 1415

A TAX SYSTEM THAT REWARDS AMERICAN VIRTUES

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

Ms. DUNN. Mr. Speaker, in the huge best seller, ''The Book of Virtues,'' by William J. Bennett, the author compiles a collection of moral tales for children. Children are taught through these stories that they should live their lives with concern to moral virtues. The lessons they are taught include such virtues as self-discipline, responsibility, courage, perseverance, and honesty.

Mr. Speaker, those are the very virtues that are so often the hallmark of people who have worked their way up from the bottom and have realized the American dream. They are the virtues that so often bring about prosperity and economic security.

Mr. Speaker, in my view designing a tax system that rewards those virtues, that rewards hard work, that rewards playing by the rules, thrift, diligence, is exactly the kind of tax system that our country needs. The Republican tax cut is a step in that direction. It rewards the virtues that we all admire. It is a statement about how we live our lives.

Let us make a change in that direction, Mr. Speaker, and pass the tax relief package and encourage the President to sign the tax relief package before the Congress.

THE REPUBLICAN PARTY STANDS FOR LOWER TAXES

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

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, President Reagan was an admired figure for many reasons. One of the reasons he is admired is because he called for tax cuts during the 1980 Presidential campaign and he delivered on his promises after he became President. He did not suddenly discover that the economy was in worse shape than he thought and use that as some kind of an excuse not only to cancel the tax cuts but actually increase taxes, which is what we saw in 1992. It is time to take a cue from Ronald Reagan.

Mr. Speaker, the Republican Party stands for lower taxes, and my constituents decided to send me to Washington because they expect Republicans to deliver some long overdue tax relief to American workers. Now is the time to deliver. The tax bill that the House is considering contains tax relief for all taxpayers, with middle class families getting the biggest break of all. Regardless of income, the Republican Party thinks our constituents should keep more of it. That was Ronald Reagan's philosophy, and I could not agree more.

BE CAREFUL OF GENERALIZING AMERICANS OF PACIFIC OR ASIAN ANCESTRY

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

Mr. FALEOMAVAEGA. Mr. Speaker, this morning the other body started its hearings on alleged violations of certain individuals and companies about our campaign laws, and I want to commend my good friend, the Senator from the great State of Hawaii, Senator DANIEL K. AKAKA, for reminding his colleagues and Members of this institution to be careful of generalizing the issues and the implications. Sometimes the media in its feeding frenzy is questioning the integrity and the honesty of the entire Asia Pacific community in our Nation, that their honest contributions made in our national and local elections sometimes are being questioned simply because these Americans are of Asian or Pacific ancestry. Let me give my colleagues a little bit of history about the sacrifices of the Asia Pacific community, and it is sealed in their blood.

The Japanese-Americans of the 100th battalion, 442d infantry combat troops, after fighting our enemies in Europe: 9,000 Purple Hearts, 560 Silver Stars, 65 Distinguished Service Crosses, and only 1 Medal of Honor.

I ask my colleagues, let us be careful of generalizing people and the composite view of our Nation here in our country, and I thank the Speaker for giving me this chance.

IT IS TIME FOR THE NEA TO SAY GOODBYE

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

Mr. CHABOT. Mr. Speaker, the White House has been sending signals that the President will veto the Interior appropriations bill if the National Endowment for the Arts is phased out. The NEA, my colleagues will remember, is that bureaucratically bloated $100 million-per-year Federal agency that purports to decide what does or does not constitute quality taxpayer-funded art.

Can the Republic survive without government art? I think it probably can, but the President apparently does not. He feels so strongly about this pet program that in order to save it he is willing to jeopardize the funding of such Federal entities as the National Park Service, the Smithsonian, the Kennedy Center and the Holocaust Museum, all funded in the Interior bill.

Mr. Speaker, let us not create a legislative log jam to satisfy the elite special interests in the arts community. Let us say goodbye to the NEA once and for all, and let us hope that President Clinton does not stand in the way.

PASS A TAX BILL THAT PUTS MONEY BACK IN THE POCKETS OF AVERAGE AMERICANS

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

Ms. DELAURO. Mr. Speaker, when it comes to tax cuts the question before this House is a simple one: Who should benefit? President Clinton and the House Democrats believe that the middle class should. That is why the bulk of benefits from the Democratic tax proposals go to families who need it most, hard-working, average, middle class families. My colleagues on the other side of the aisle disagree. Their tax proposal helps big business and the wealthy at the expense of the middle class, and the American people know it.

In a recent Gallup Poll 52 percent of those surveyed say the Republican proposal will benefit the rich while only 8 percent said it would favor the middle class, and 61 percent said the Republican Congress is out of touch with the American people.

I urge my colleagues to listen to the message the American people are sending us. Let us get back in touch with the American people. Let us pass a tax bill that puts back money into the pockets of average American middle class families.

BIPARTISAN SUPPORT FOR CAPITAL GAINS AND ESTATE TAX RELIEF

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

Mr. WICKER. Mr. Speaker, I have in my hand a letter from Dr. Lester Spell, commissioner of agriculture and commerce for the State of Mississippi. Dr. Spell is a statewide elected official elected on the Democratic ticket, and he asks that Congress provide relief from the capital gains tax and reduce the death tax. Commissioner Spell has this to say about capital gains taxes: ''This tax has a negative and unfair effect on agricultural families and nonagricultural families.''

About the estate tax, Commissioner Spell says: ''This tax destroys the hope and enthusiasm of free enterprise and entrepreneurship.''

He goes on to say: ''This year Independence Day would be much more meaningful to all Americans if Congress would reduce capital gains taxes and move to eliminate the death tax.''

Mr. Speaker, the House-passed tax cut is good for average Americans. Over 75 percent of the tax relief goes to families between $20,000 and $75,000 in annual income. I am glad capital gains and estate tax relief are part of this package, and I commend Commissioner Lester Spell for pointing out the bipartisan support for these provisions.

THE FAMILY ECONOMIC INCOME CONCEPT

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

Mr. BARTLETT of Maryland. Mr. Speaker, maybe some of my liberal friends on the other side of the aisle

can help me with a problem I am having. I am trying to get to the bottom of this family economic income business.

For example, if I make $45,000 a year and I would like to apply for a loan, can I put down $75,000 a year as my income on the loan application form? After all, I heard this great news from my liberal friends that under this great new economic family income concept I am actually much, much richer than I think.

Let us take another example. If I make $45,000 a year and I would like to buy a house, and I put down $75,000 a year as my income on the mortgage application, will they still send me to jail for lying on my form if they check to see what I really make?

Mr. Speaker, will I be able to use the family economic income defense? Will the judge buy that? After all, I can say, Wait, judge, the Secretary of the Treasury himself said this was an honest way to calculate what people really make.

I wonder.

NEED FOR HONEST DEBATE ON TAX CUT ISSUES

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

Mr. WELDON of Florida. Mr. Speaker, the debate we are having about whether or not most of the tax cut goes to the middle class or to the rich is downright goofy. It should be a simple question with an agreed-upon way to score it. There should be a clear-cut answer whether it is primarily the middle class or the rich who will be able to keep more of what is already theirs.

At least when discussing capital gains, I could understand some disagreement, for one can score it two ways, either by the number of people who are receiving capital gains reductions or by the value of their capital gains cut. But in terms of this tax package, charges that the majority of the tax cut goes to the wealthy are simply ridiculous.

Democrat class warriors in the Treasury Department are using bogus numbers. Redefining household incomes so that people making $45,000 a year are scored as actually making $75,000 a year is nothing short of scandalous. Imagine trying to convince a shipyard worker that he is actually making $30,000 a year more than he thinks he is making. It is downright dishonest.

IN MEMORY OF FIREFIGHTER MICHAEL SEQUIN

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

Mr. QUINN. Mr. Speaker, last Friday while most of western New York State and Buffalo, NY, and indeed across the country were enjoying Independence Day festivities, a 33-year-old Buffalo firefighter, Michael Sequin, reported to duty at engine 33. Unfortunately, firefighter Michael Sequin died at the scene of a house fire that evening believed to be started by illegal fireworks.

Mr. Speaker, at services today firefighter Sequin was referred to by Captain Scott Barry this way: ''If you had a kid and you wanted him to grow up to be a person everybody loved and respected, it would be Mike Sequin.''

Firefighter Sequin's tragic death serves as a reminder to all of us of the dangerous risk firefighters, police officers, and all public safety officers face every day. I ask all the Members of the House to join me, the gentleman from New Jersey [Mr. PAPPAS] and the gentleman from New York [Mr. LAFALCE] in sending our condolences, sympathies, and grateful thanks to firefighter Sequin's family, friends, and fellow fire fighters in western New York and all across the country.

STOP POLITICIZING TAX REDUCTION

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

Mr. WHITFIELD. Mr. Speaker, finally, after 16 years, this Congress has passed a tax reduction for the American taxpayers.

Listening to the debate on who will benefit from the proposed tax reduction, one would think that the President's plan and the congressional plan were the exact opposite from each other. The truth of the matter is that these bills are quite similar. There are two basic differences in the legislation.

First of all, the congressional tax reduction package does more for small businessmen and women than the President's. Two out of every three jobs created in America today are created by small business owners. They need tax incentives for economic expansion, not tax obstacles. The President wants to expand the only refundable tax credit in the Tax Code, the earned income credit.

These are the two basic differences in the legislation. Let us stop politicizing this issue and reduce the tax burden of the American people.

FREE MARKETS PROMOTE PROSPERITY AND POLITICAL REFORM

(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, in November 1979, when he announced his candidacy for President of the United States, Ronald Reagan called for the creation of the world's largest free trade zone, the North American accord. His vision of the United States, Canada, and Mexico working together as friends in peace and prosperity was more than fanciful conjecture. He understood that spreading free markets and free trade promoted prosperity and political reform. It was good for America. Across the world, the past 18 years have proven Ronald Reagan's views correct.

This weekend Mexico held national elections. For the first time in decades three parties, led by the ruling Institutional Revolutionary Party, split the seats in the Mexican Parliament. A non-PRI candidate won the mayoralty in Mexico City.

Mr. Speaker, the American people must recognize that great and positive political change is proceeding in Mexico under the leadership of President Ernesto Zedillo. It is not that we applaud who is winning the elections, but that a full-fledged multiparty democracy is emerging on our doorstep.

Cooperation on all fronts, from trade, immigration to crime and corruption, is the only way to continue to build the United States-Mexico relationship on a foundation of mutual respect, cooperation and friendship befitting two great nations. NAFTA, Ronald Reagan's North American accord, certainly promotes that process.

□ 1430

TAX CUTS IN THE REAL WORLD

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

Mr. THUNE. Mr. Speaker, this last week, I spent most of the week driving some 2,200 miles across my State of South Dakota. I talked to farmers, ranchers, small business people, and a whole lot of just hard-working Americans. They did not want to hear the same old overused trite platitudes about tax cuts for the rich. They wanted to know what we are going to do to enable them to keep their families and their small businesses and what we are going to do to give them more control over their economic future. These are real people with real-world concerns, and they want real-world, honest answers, not the same old trite platitudes.

We want to bring tax relief that will improve the quality of life for all hard-working Americans who pay taxes and make Government smaller.

CORRECTIONS CALENDAR

The SPEAKER pro tempore (Mr. GOODLING). This is the day for the call of the Corrections Calendar.

The Clerk will call the bill on the Corrections Calendar.

PROHIBITING ILLEGAL ALIENS FROM RECEIVING RELOCATION ASSISTANCE

The Clerk called the bill (H.R. 849) to prohibit an alien who is not lawfully present in the United States from receiving assistance under the Uniform

Relocation Assistance and Real Property Acquisition Policies Act of 1970.

The Clerk read the bill, as follows:

H.R. 849

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

SECTION 1. DISPLACED PERSON DEFINED.

Section 101(6)(B) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601(6)(B) is amended—

(1) by striking the period at the end of clause (ii) and inserting ''; and ''; and

(2) by adding at the end the following:

''(iii) an alien that is not lawfully present in the United States.''.

The SPEAKER pro tempore. Pursuant to the rule, the bill is considered read for amendment.

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The SPEAKER pro tempore. The Clerk will report the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure.

The Clerk read as follows:

Committee amendment in the nature of a substitute: Strike out all after the enacting clause and insert:

SECTION 1. DISPLACED PERSONS NOT ELIGIBLE FOR ASSISTANCE.

(a) IN GENERAL.—Title I of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.) is amended by adding at the end the following:

''SEC. 104. DISPLACED PERSONS NOT ELIGIBLE FOR ASSISTANCE.

''(a) IN GENERAL.—Except as provided in subsection (c), a displaced person shall not be eligible to receive relocation payments or any other assistance under this Act if the displaced person is an alien not lawfully present in the United States.

''(b) DETERMINATIONS OF ELIGIBILITY.—

''(1) ISSUANCE OF REGULATIONS.—Not later than 6 months after the date of the enactment of this section, and after providing notice and an opportunity for public comment, the head of the lead agency shall issue regulations to carry out subsection (a).

''(2) CONTENTS OF REGULATIONS.—Regulations issued under paragraph (1) shall—

''(A) prescribe the processes, procedures, and information that a displacing agency must use in determining whether a displaced person is an alien not lawfully present in the United States;

''(B) prohibit a displacing agency from discriminating against any displaced person;

''(C) ensure that each eligibility determination is fair and based on reliable information; and

''(D) prescribe standards for a displacing agency to apply in making determinations relating to exceptional and extremely unusual hardship under subsection (c).

''(c) EXCEPTIONAL AND EXTREMELY UNUSUAL HARDSHIP.—If a displacing agency determines by clear and convincing evidence that a determination of the ineligibility of a displaced person under subsection (a) would result in exceptional and extremely unusual hardship to an individual who is the displaced person's spouse, parent, or child and who is a citizen of the United States or an alien lawfully admitted for permanent residence, the displacing agency shall provide relocation payments and other assistance to the displaced person under this Act if the displaced person is otherwise eligible for such assistance.

''(d) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed to affect any rights available to a displaced person under any other provision of Federal or State law.''.

SEC. 2. DUTIES OF LEAD AGENCY.

Section 213(a) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4633(a)) is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (4), (5), and (6), respectively; and

(2) by inserting after paragraph (1) the following:

''(2) provide, in consultation with the Attorney General (acting through the Commissioner of the Immigration and Naturalization Service), through training and technical assistance activities, information developed with the Attorney General (acting through the Commissioner) on proper implementation of section 104;

''(3) ensure that displacing agencies implement section 104 fairly and without discrimination;''.

Mr. PETRI (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin [Mr. PETRI] and the gentleman from Minnesota [Mr. OBERSTAR] will each control 30 minutes.

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

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

Mr. Speaker, I am pleased to bring before the House the bill, H.R. 849, a bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act to prohibit illegal aliens from receiving relocation assistance associated with Federal projects and grants. The bill was introduced by our esteemed colleague, the gentleman from California, Mr. RON PACKARD, and is cosponsored by 25 additional Members.

H.R. 849 plugs a loophole left open in last year's immigration reform bill. That bill prohibits illegal aliens from receiving Federal benefits. However, because the relocation assistance provided under the Uniform Relocation Assistance Act is technically compensation rather than a benefit, the Department of Transportation has concluded that it cannot legally deny relocation assistance to aliens, even if they are present in the United States illegally. As a result, such compensation has been paid to illegal aliens in several instances.

For example, one illegal alien who was relocated according to a Federal project was actually given $12,000 in federally funded relocation assistance.

Mr. Speaker, this approach wastes taxpayer money and it makes no sense at all. Federal relocation assistance should not be given to those who are illegally in our country. H.R. 849 will correct this and make the Uniform Relocation Assistance Act consistent with last year's immigration reform bill.

Working together with the ranking Democratic member on our committee, the gentleman from Minnesota, Mr. JIM OBERSTAR, and the principal sponsor, the gentleman from California Mr. RON PACKARD, we have crafted a bipartisan bill to correct this problem.

As reported by the committee, H.R. 849 contains a general provision prohibiting illegal aliens from receiving relocation assistance. It also contains four important features which clarify the bill's intent and ensures fair and consistent implementation.

First, the bill will require DOT to issue uniform regulations for the implementation of the bill and to require that eligibility determinations be made on a nondiscriminatory basis using only reliable evidence.

Second, the bill contains a safety net provision that is consistent with existing immigration law. If an illegal alien can provide clear and convincing evidence of an exceptional and extremely unusual hardship, he or she will remain eligible for relocation assistance.

Third, the bill makes clear that by prohibiting relocation assistance under the Uniform Relocation Assistance Act, we do not intend to take away any other rights to compensation that an illegal alien might have under other Federal or State laws.

Fourth, the bill directs DOT to provide training to other agencies on how to implement the provisions of the bill fairly and without discrimination.

Mr. Speaker, I would like to thank the gentleman from Minnesota [Mr. OBERSTAR] and his staff for the cooperative way in which they have worked with us to craft this bill. This has been a truly bipartisan effort. I also note that the administration has reviewed the proposal and does not object to it.

Mr. Speaker, I would also like to thank the gentleman from California [Mr. PACKARD] for sponsoring this legislation and bringing an important issue to the attention of the House. H.R. 849 is a good bill that plugs the loophole in Federal law. I would recommend an ''aye'' vote on the bill.

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

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

Mr. Speaker, I certainly concur with the gentleman from Wisconsin, the chairman of the Subcommittee on Surface Transportation, that this has been a bipartisan effort. There has been splendid cooperation on the part of the majority staff with the Democratic staff. We welcome that splendid participation that we have always maintained in our committee.

Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. TRAFICANT], a cosponsor of the bill.

Mr. TRAFICANT. Mr. Speaker, I thank the distinguished ranking member for yielding time to me.

Mr. Speaker, I want to first of all commend the gentleman from California [Mr. PACKARD] for his brilliant efforts to reform the immigration mess in the country in a fair and equitable way. I think the gentleman from Wisconsin [Mr. PETRI], the chairman, discussed the foundation case that brought the attention and the microscope to this matter: $12,000 in Federal housing assistance went to an undocumented alien.

Quite frankly, Mr. Speaker, I think we are hung up on the term in the Congress. We are not talking about immigrants. I do not think there is a person in the Congress that is opposed to immigrants. We are all products of immigrants. We are talking about illegal immigrants, and we are talking about money for illegal immigrants. And we had better get on with the discussion, because as a Congress we are cutting education, we are cutting welfare, we are cutting food stamps for our own citizens; but yet, through many loopholes, we are providing Federal benefits and millions and millions of dollars to illegal immigrants.

This is not going to stop all of that. It certainly does not run rampant over anyone's rights, because the constitutional rights were protected by a fine agreement, I believe, made with the gentleman from Wisconsin [Mr. PETRI] and the gentleman from Minnesota [Mr. OBERSTAR] that made sure that this bill would provide an exception for extreme and unusual hardships, which mirror those that already exist in immigration laws we have recently passed.

Mr. Speaker, I want to stand here today, and I am very proud to be part of the program that brought this to the floor. I believe the gentleman from California [Mr. PACKARD] has done a great job and a great service. I hope Congress will pass it overwhelmingly.

Mr. PETRI. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. PACKARD].

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

Mr. Speaker, I have brought this bill to the House floor in response to a loophole, as has been explained, in the current immigration and welfare reform bills that we passed last year. We thought we had covered all of the areas that would prevent illegal aliens, those who are here in this country illegally, from receiving taxpayer-funded benefits; but we apparently missed this one area where $12,000 in my district was paid to an illegal alien that was being displaced from a housing project when the housing project was being converted into an AIDS Housing Program, another government program. HUD determined that the relocation requirements require them to pay benefits or relocation costs and assistance to this illegal family.

Mr. Speaker, at the same time there were legal families, legal residents, citizens of the United States, that were in the same project that received $400 for relocation assistance. A quirk in the law required that $12,000 be paid to the illegal mother and only $400 to the American citizens that were displaced from the very same housing project. This is something that I think all Americans, and certainly, to my knowledge, all Members of Congress feel that this ought to be corrected.

Mr. Speaker, this bill is simply to correct that loophole. Mine was not the only case. We have researched it and found that there are many, many other cases where housing assistance, relocation assistance, has been given, and in some cases the money was given to the illegal alien so they could go down to Mexico and buy their own home in Mexico.

Mr. Speaker, that is simply unconscionable to the American citizens, where their tax dollars would be used to go to someone that broke the law to come into this country, and then they would receive enough assistance to go down and buy a home in Mexico. Mr. Speaker, I think there is no Member of Congress that would not wish to have this corrected.

Mr. Speaker, one of the wonderful parts of this Correction Day procedure, and I should like to just speak briefly to the merits of having this opportunity to bring a noncontroversial bill that is designed to correct a loophole or a deficiency in existing law, that needs to be done without going through the long and drawn-out procedure of hearings and committee and subcommittee activity, and ultimately, the debate and so forth, this allows it to be fast-tracked. I very much appreciate the corrections process that allows this.

Mr. Speaker, I deeply appreciate the work of the chairman of the committee that has jurisdiction over this issue, the gentleman from Wisconsin [Mr. PETRI], the gentleman from Minnesota [Mr. OBERSTAR], the ranking member and former chairman of the committee, and all members of the committee that worked on this. I deeply appreciate their willingness to accept it and to bring it to the floor of the House, and the staff that also worked on it. I believe it does correct a very important deficiency. I hope all Members of Congress will vote for it.

Mr. PETRI. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. CAMP], our colleague and chairman of the Corrections Advisory Group.

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

Mr. Speaker, it is with great pleasure that I rise under the Corrections Calendar. The Corrections Advisory Group is responsible for identifying and eliminating outdated or unnecessary laws, rules, and regulations. With over 67,000 pages of regulations alone, we have a lot of work to do.

The bill before us today is the third bill to be considered under the Corrections Calendar. It is the third bill to correct an outdated or unnecessary law. Today it will be the third bill passed by the House under this unique process. By working with my colleagues, and as a result of the efforts of the gentleman from California, Mr. RON PACKARD, we were able to identify the problem and to quickly find a solution. It is the bipartisan nature of the Corrections Advisory Group that makes this targeted action possible.

When the Congress enacted immigration reform last year, it spoke clearly: No Federal benefits would be paid to those who are illegally present in the United States. Unfortunately, an anomaly in the housing law allowed relocation benefits to be paid to an illegal alien to the tune of $12,000. My colleague, the gentleman from California, as I mentioned, brought this loophole to the Congress' attention, and through the bipartisan Corrections Day process we are able to correct this glaring error.

The bill clarifies that, if an individual is here illegally, that status must be taken into account when paying Federal benefits under the Uniform Relocation Assistance and Real Property Acquisitions Policy Act. While the name may sound complicated, the goal of the bill is clear: Those individuals who enter the country illegally should not receive relocation benefits.

As chairman of the Corrections Day Advisory Group, it was a pleasure to recommend this bill for action. I would like to thank the gentleman from Pennsylvania [Mr. SHUSTER], the chairman, and the gentleman from Wisconsin [Mr. PETRI], the subcommittee chairman, and the ranking member, the gentleman from Minnesota [Mr. OBERSTAR], for quickly reporting this bill to the House. I would also like to commend the gentleman from California [Mr. PACKARD] for his diligence in seeing this bill through. I urge my colleagues to support the bill.

Mr. PETRI. Mr. Speaker, I yield 3 minutes to our colleague, the gentleman from New Jersey [Mr. PAPPAS].

Mr. PAPPAS. Mr. Speaker, I thank the gentleman for yielding time to me, and I thank my colleague, the gentleman from California, for sponsoring this bill.

Mr. Speaker, Freehold Borough, one of the towns in my district and the hometown of Bruce Springsteen, has experienced firsthand the frustrations of a bloated Washington bureaucracy that seems intent on wasting their hard-earned tax dollars. As part of a plan that took place in 1994 to renew an area by the borough and HUD, the borough discovered that some of the families they helped relocate while improvements were being made turned out to be people that were living in this country illegally. As a result, the taxpayers of Freehold Borough ended up paying over $60,000 of their hard-earned income and property tax dollars to people who had broken the law.

Just last week we celebrated cost-of-government day, the day in which the average American worker could finally

celebrate their independence from Government taxes and regulations. The citizens of Freehold Borough and of America worked 183 days to pay for the services of government. Once again, we discover another area where the Government has wasted their hard-earned money.

The fact that Freehold Borough property taxpayers had to pick up most of the bill for this Federal policy is simply wrong. Freehold Borough tried to get assistance and clarification from HUD before issuing payment, but the answer from HUD was clear: All dislocated people, regardless of immigrant status, were to be paid relocation assistance. This has happened in other parts of the country as well.

Additional questions raised by Freehold as to how this income would be reported and how the borough would document this expense was referred to the IRS: more bureaucracy, more red tape, no help, and more waste of the taxpayers' money.

As the grandson of legal immigrants, I understand the importance of diversity and supporting legal immigration. However, I cannot support measures that encourage illegal immigration. What does a potential illegal immigrant think when he or she hears of stories like this? We should not reward people who break the law. Support this legislation.

□ 1445

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

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

Mr. Speaker, the underlying premise of H.R. 849 is not controversial. Persons illegally in the United States should not receive assistance under the Uniform Relocation Act. However, as with so many of the issues that we face, the devil is in the details and there certainly were a number of details that needed closer examination.

When we began several weeks ago to examine this legislation, several concerns arose for me on the details of how to ensure fair application of such a ban when there are dozens of agencies, Federal and non-Federal, that provide assistance under this Uniform Relocation Act.

We raised those questions with the gentleman from Pennsylvania [Mr. SHUSTER] and with the chairman of the Subcommittee on Military Construction of the Committee on Appropriations, our colleague, the gentleman from California [Mr. PACKARD], former member of our Committee on Transportation and Infrastructure, and together we worked out those concerns.

In the substitute before us, the committee has crafted language that will ensure that this ban will be administered fairly and without discrimination against applicants for uniform relocation assistance. The legislation establishes that persons illegally in this country will not be eligible for Uniform Relocation Act assistance. Then it goes on to include important provisions that will ensure evenhanded implementation.

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

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

Mr. PACKARD. Mr. Speaker, I want to say that the committee and particularly the gentleman from Minnesota made significant improvements on the bill, I thought, that left a safety net so that no one would be stripped of any legal opportunities and benefits that would be available to them. I really appreciate the improvements that came on the bill as a result of the committee's action.

I might also mention that I have a letter from the Department of HUD as well as from OMB that has done an interagency review of the bill and they have indicated that the administration has no objections to the bill as it is now submitted. I again want to thank the gentleman for making improvements on the original bill.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman.

Further to that point, we do have a letter from the administration, from the Office of Management and Budget, indicating no objection to the legislation but also indicating that when the legislation is considered in the Senate, they would ask for a full year to coordinate and issue implementing regulations for the bill.

First, this legislation requires the Department of Transportation to issue regulations after notice and after opportunity for public comment to specify how the displacing agencies will go about determining who is and who is not eligible for assistance because of their immigration status. The regulations must provide that all applicants for assistance will furnish information about their immigration status, not just those who speak with foreign accents or those who have a different skin color. All agencies, Federal, State, or local that use Federal funds for a real estate acquisition that displaces people must comply with these regulations. And these uniform rules will apply whether the displacement is caused by a new highway or a new senior citizen center, to be evenhanded.

Secondly, the bill makes it clear that the ban is intended to be limited to assistance under the Uniform Relocation Act. The prohibition on assistance does not affect a person's right under the Constitution to due process or Federal or State law for just compensation for taking of property.

Third, the bill provides for a limited administrative decision in cases of extreme hardship.

I insisted that the bill include this provision to ensure that agencies will have some latitude to respond to complicated cases where refusing assistance might be devastating to families which include U.S. citizens or lawful U.S. residents.

We cannot predict every possible situation that may deserve that kind of discretion, but we can be certain that this narrow flexibility will someday enable Government agencies and State agencies to provide critically needed assistance to U.S. citizens and lawful U.S. residents.

I would also note there is a high standard for qualifying for this waiver and that the burden of proof is shifted, the burden of proof will rest on the applicants.

This provision is not meant to create an impossible standard, a bar so high that it would preclude assistance to even the most deserving families which include U.S. citizens or lawful U.S. residents. The Department of Transportation must ensure that it will carefully guide agencies in the judicial use of this provision.

Fourth, the bill further requires the Department of Transportation to develop training and technical assistance activities that will help promote implementation of the ban. Education, in other words, a very important component, I believe, of this legislation. And that will ensure that the many agencies covered under the Uniform Relocation Act will understand the complexities of determining eligibility based on immigration status.

We have to remember that the issue of illegal immigration stirs very deep passions across this country. And it is a problem that has given rise to appalling examples of avoidance of the laws, as the gentleman has pointed out, but also appalling examples of blatant discrimination. We cannot allow a sensible policy to become a new tool for discrimination against those who may differ from us. If that were the case, as my colleague from Ohio said a little earlier, we are a nation of immigrants, in particular, in the district that I represent, they come from all parts of the world; we would certainly not want to discriminate against people because of where they originated or how they speak English with a different accent.

The very diversity that has made this country strong should not be a pretext for treating people unfairly.

Again, I want to thank Mr. SHUSTER and Mr. PETRI as well as Mr. PACKARD for their cooperation in addressing those concerns that I have had on constitutional grounds, on personal grounds, and for bringing this piece of legislation together. I have no objection to adoption of the bill now before us and urge its enactment.

However, on a personal basis, I have to once again express, as I have repeatedly in this Chamber, my opposition to this Correction Day calendar procedure. I believe it short-circuits the regular legislative process. It abbreviates, it compresses the deliberative nature of the legislative process. And my deepest concern is that in time, without care and attention, it can become a vehicle for special interest favoritism. Bills proposed for this corrections calendar, at least those that have come through our Committee on Transportation and Infrastructure, could well

have come up under the suspension calendar, subjected to a much higher test of a two-thirds vote. In this case this particular bill could well have come up on the union calendar for a much broader deliberative text test, subject to amendment, open to broader debate and consideration on the House floor and broader test of suitability.

While I think our committee has been very judicious in the way it has handled correction calendar legislation, I personally am, just on a procedural basis, very much opposed to this process. While I am not going to be obstructionist about it, I must once again express my reservations and my opposition to the practice. But, again, let me express my appreciation to Mr. SHUSTER and Mr. PETRI and to the staff on both sides for their deliberate consideration in giving this bill every full measure of consideration that it would have had, had we brought it up under other procedures.

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

Mr. PETRI. Mr. Speaker, in closing I would just like to acknowledge the hard work and contribution of a number of people that took this concept and worked out a lot of the kinks, if not every single kink; there may be one or two more that we will be working out with the Senate before it goes to the President for his signature. Paul Rosenzweig of our committee, the able assistant to Mr. PACKARD, and Chris Peace and Cordia Strom of the Committee on the Judiciary all made outstanding contributions to getting this legislation in proper form.

Mr. CUNNINGHAM. Mr. Speaker, I rise in support of H.R. 849, which would prohibit illegal aliens from receiving relocation assistance from the Department of Housing and Urban Development [HUD]. This legislation continues Congress' commitment to stop providing taxpayer supported benefits to illegal aliens.

Like many of my constituents, I was shocked to read on February 12, 1997, the San Diego Union-Tribune headline ''Immigrant Status No Bar to Housing Aid, Undocumented Tenant To Get $12,000 in Relocation Funds.'' The article, written by Lola Sherman, highlights how an illegal alien living in Oceanside, CA, was provided $12,000 by HUD for relocation assistance. I have attached the article for the RECORD. This illegal alien was living in a public housing complex which was purchased by Community Housing of North County, a private, nonprofit organization that is planning to remodel the complex to provide housing to people with AIDS. The illegal alien and the other members of the public housing complex were to be relocated to other housing by HUD under the Uniform Relocation Assistance Act. Of the other 21 residents of this complex, all legal residents, 10 received no assistance for relocation. The other 11 either moved into subsidized housing or received between $1,000 and $2,500 in relocation assistance.

However, because the illegal alien was not eligible to move into subsidized housing, and because the alien had no legal taxable income, HUD was required to provide the illegal alien the maximum possible Federal subsidy under the Uniform Relocation Assistance Act for relocation assistance. In this case, the illegal alien was provided $12,000, far more than the other citizens and legal residents were provided for living in the same situation.

Immediately, I joined Mr. PACKARD in supporting this important legislation, which would deny assistance under the Uniform Relocation Assistance Act to illegal aliens. This commonsense legislation continues Congress' commitment to stopping taxpayer benefits to illegal aliens. Last year, Congress passed the Personal Responsibility and Work Opportunity Act and the Immigration in the National Interest Act to stop generous taxpayer benefits from being paid to illegal aliens. By passing this legislation today, we will remove one more magnet which draws illegal aliens to our country and ensure that our limited taxpayers' dollars are focused to our citizens who need help most.

Mr. Speaker, I encourage all my colleagues to support this commonsense legislation. Vote ''yes'' on H.R. 849.

[From the San Diego Union-Tribune, Feb. 12, 1997]

WOMAN GETS $12,000 IN HOUSING AID DESPITE UNDOCUMENTED STATUS

(By Lola Sherman)

OCEANSIDE.—An Oceanside woman is being paid $12,000 in federal housing money to move from an apartment complex here even though she isn't a legal resident of the United States.

The woman, Olivia Solorio, is one of a dozen individuals or families that were relocated after their former apartments on South Tremont Street were bought by Community Housing of North County, a private, nonprofit organization that soon will begin remodeling the complex to house AIDS patients.

Most of the other tenants of the apartments, all legal residents of the country, moved either to rent-subsidized apartments or received much smaller relocation payments. Solorio's payment of $12,000 was largely the result of her undocumented status and her lack of income, officials acknowledge.

City and federal officials, as well as documented residents ousted from the complex, say the large payment to Solorio doesn't seem fair.

''It's the law,'' said Nancy Lahey, relocation specialist in the Los Angeles regional office of the U.S. Department of Housing and Urban Development. ''I think it will take an act of Congress to change it.''

Solorio and the other tenants were moved from the 22-unit complex over the last several months. Work is to begin Feb. 24 on a $480,000 remodeling project so the complex can house low-income tenants with AIDS.

Oceanside has funneled $310,750 of its federal housing funds into the remodeling, said Richard Goodman, city housing director. The entire project will cost about $1.7 million, mostly from federal tax credits offered to investors. Of that, $1.1 million is in so-called ''hard costs'' such as land acquisition and renovation. The rest is for relocation expenses, a reserve for future rental assistance for the new tenants and a developer fee to North County Housing, formerly called Esperanza.

About 10 tenants moved from the apartments without any assistance. To save money on relocation expenses for the remaining 12, Goodman said, officials were able to relocate most of them to Section 8 housing, which provides federal rent subsidies. They received no relocation payments.

But Solorio does not qualify for Section 8 housing since she is not a legal resident. She will, however, get $12,000 under the Uniform Relocation Act, which does not consider immigration status.

''It has always rubbed me the wrong way, but there is nothing I can do about it,'' Goodman said.

HUD's Lahey said, ''It's kind of crazy.'' Undocumented immigrants are eligible for one kind of public aid and not another, she said, adding that she wasn't happy about giving taxpayer dollars to an undocumented resident, but was not able to do anything about it.

Explaining the formula used to figure the payment, Lahey said if, for example, people displaced by a federally financed project had an income of $600 a month, they would be expected to pay just under a third of that, or about $180, for rent. If the rent in the new apartment was $400, they would be entitled to the difference—$220—for a period of 42 months.

Solorio, 49, from Jalisco, Mexico, had lived in the South Tremont apartments since July 1994. It was unclear whether she would be subject to deportation. City housing records describe her status only as ''undocumented.''

In an interview, Solorio said, ''My documentation is in process.'' She denied seeking any large amount of money and expressed surprise at the sum due her.

She said she does not work outside the home but takes care of two small children. She did not disclose her income, but said she pays $465 a month, plus utilities, in her new apartment. In the Tremont apartment, she paid $450 including utilities.

Her two youngest sons, 13 and 15, live with her. All 10 of her children reside in California, she said, and she has been here for seven years.

Solorio said she has not gotten any sizable payments as yet. ''I don't know anything about it,'' she added, indicating she has received only a small amount for moving expenses.

But Del Richardson of Del Richardson and Associates, the Yorba Linda firm in charge of distributing the money under contract to North County Housing, said Solorio has received half the $12,000, while a check for the other half will be sent to her ''sometime this month.''

Richardson said that Solorio may be unaware of some of the assistance she has received because it went directly to the owner of her new apartment, for rent and the security deposit, and was paid to other vendors for moving costs. But she said Solorio has received direct payments as well.

Horacio Ortiz and Concepcion Diaz, two other former tenants of the South Tremont Street apartments, were among four tenants besides Solorio who either turned down Section 8 housing or were not eligible for it. Because both have higher incomes than Solorio, Ortiz received $1,512 and Diaz $2,142 from the same fund that will pay Solorio $12,095, records show.

Oritz, who lived in the Tremont apartments since 1974, isn't happy about the situation. ''It's not fair—she has less time here and she doesn't have (immigration) papers,'' he said.

Diaz, a resident in the Tremont units since 1982, agreed. ''She doesn't have papers and she hasn't been here very long,'' she said.

Mr. PACKARD. Mr. Speaker, illegal aliens should not be rewarded with taxpayer dollars. When we passed immigration reform legislation last year, I thought that this was made crystal clear. Imagine my astonishment when I read in the San Diego Union-Tribune that an undocumented, unemployed, mother of 10 was handed $12,000 in relocation assistance from the Department of Housing and Urban Development [HUD].

This woman was living in my district when HUD selected her apartment building in Oceanside, CA, to be transformed into a low-income AIDS patient housing project. Under provisions of the Uniform Relocation Act, HUD was required, like every other Federal agency, to either provide alternative housing for displaced residents or grant direct funding to residents relocating on their own.

Mr. Speaker, many of those displaced by the project were moved into section 8 housing and received an average of $400 in Federal rent subsidies. However, because the Uniform Relocation Act does not consider citizenship status when doling out relocation assistance, this undocumented woman received $12,000 simply because she was residing in this country illegally.

When the Government goes out of its way to hand out free money to illegal aliens, it should be no surprise that our Nation continues to suffer from the devastating effects of illegal immigration. We have no right to expect our citizens to foot the bill when the Federal Government blatantly defies the American taxpayer. I will not let that continue. Today, we will consider H.R. 849. I introduced this bill in February to close this loophole which enabled an illegal alien to receive Federal housing benefits. I encourage all of my colleagues to pledge their support for denying Federal benefits to illegal immigrants.

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

The SPEAKER pro tempore (Mr. GOODLING). Pursuant to the rule, the previous question is ordered on the amendment recommended by the Committee on Transportation and Infrastructure and on the bill.

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

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

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

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5(b) of rule I, further proceedings on this question are postponed to a time not earlier than 5 p.m. today.

GENERAL LEAVE

Mr. PETRI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 849, the bill just considered.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate is concluded on all motions to suspend the rules but not before 5 p.m. today

REGARDING THE FRANKLIN DELANO ROOSEVELT MEMORIAL

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the Senate joint resolution (S.J. Res. 29) to direct the Secretary of the Interior to design and construct a permanent addition to the Franklin Delano Roosevelt Memorial in Washington, DC, and for other purposes.

The Clerk read as follows:

S.J. RES. 29

Whereas President Franklin Delano Roosevelt, after contracting poliomyelitis, required the use of a wheelchair for mobility and lived with this condition while leading the United States through some of its most difficult times; and

Whereas President Roosevelt's courage, leadership, and success should serve as an example and inspiration for all Americans: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITION TO FRANKLIN DELANO ROOSEVELT MEMORIAL.

(a) PLAN.—The Secretary of the Interior (referred to in this Act as the ''Secretary'') shall plan for the design and construction of an addition of a permanent statue, bas-relief, or other similar structure to the Franklin Delano Roosevelt Memorial in Washington, D.C. (referred to in this Act as the ''Memorial''), to provide recognition of the fact that President Roosevelt's leadership in the struggle by the United States for peace, well-being, and human dignity was provided while the president used a wheelchair.

(b) COMMISSION OF FINE ARTS.—The Secretary shall obtain the approval of the Commission of Fine Arts for the design plan created under subsection (a).

(c) REPORT.—As soon as practicable, the Secretary shall report to Congress and the President on findings and recommendations for the addition to the Memorial.

(d) CONSTRUCTION.—Beginning on the date that is 120 days after submission of the report to Congress under subsection (c), using only private contributions, the Secretary shall construct the addition according to the plan created under subsection (a).

SEC. 2. POWERS OF THE SECRETARY.

To carry out this Act, the Secretary may—

(1) hold hearings and organize contests; and

(2) request the assistance and advice of members of the disability community, the Commission of Fine Arts, and the National Capital Planning Commission, and the Commissions shall render the assistance and advice requested.

SEC. 3. COMMEMORATIVE WORKS ACT.

Compliance by the Secretary with this joint resolution shall satisfy all requirements for establishing a commemorative work under the Commemorative Works Act (40 U.S.C. 1001 et seq.)

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this joint resolution such sums as may be necessary.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah [Mr. HANSEN] and the gentleman from America Samoa [Mr. FALEOMAVAEGA], each will control 20 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

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

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

Mr. Speaker, S.J. Res. 29 directs the Secretary of the Interior to plan and construct the addition of a permanent statue, bas-relief, or other similar structure to the present Franklin Delano Roosevelt Memorial in Washington, DC, to recognize that President Roosevelt's leadership was provided to the Nation while he was a disabled individual using a wheelchair.

The resolution requires that the Secretary, as soon as practicable, report to Congress and the President his findings and recommendations for this addition to the FDR Memorial. The Secretary may seek the assistance and advice of the disabled community, the Commission of Fine Arts, and the National Capital Planning Commission in creating a final design for this addition to the FDR Memorial.

The Commission of Fine Arts must approve the Secretary of the Interior's final design plan. Furthermore, the resolution requires construction of the addition to the FDR Memorial begin 120 days after submission of the report to Congress, using only private contributions.

□ 1500

The entire process for the addition to the FDR Memorial must comply with all of the requirements of the Commemorative Work Act of 1986.

Mr. Speaker, S.J. Res. 29 has the strong support of the Clinton administration. Additionally, this resolution is heartily endorsed by former Presidents Bush, Carter, and FORD. Finally, there is broad unified support for this resolution within the disabled community.

Mr. Speaker, the resolution honors the achievements of President Roosevelt, who served this Nation while disabled, and I urge my colleagues to support Senate Joint Resolution 29.

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

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, Senate Joint Resolution 29 is a Senate-passed measure that was authored by the good Senator from the State of Hawaii, Senator DANIEL INOUYE, and is a companion to H.J.Res. 76, a bill introduced by my colleague on the Committee on Resources, the gentleman from New York [Mr. HINCHEY], who is also a member of the Franklin Delano Roosevelt Memorial Commission.

The legislation directs the Secretary of the Interior to design and construct a statue or a similar structure at the FDR Memorial to recognize that President Roosevelt's great leadership was provided while the President used a wheelchair.

I know that many Members are aware of the controversy that preceded the dedication of the FDR Memorial on May 2, 1997. Representatives of the disabled community have raised concerns that the memorial did not adequately reflect the President's disability and undertook a campaign to see that President Roosevelt be depicted in a wheelchair to reflect that disability, which was the result of polio, did not diminish his ability to provide great leadership to our Nation.

Although the President took actions to play down his disability, he has been an inspiration to millions of Americans who have seen that a disability need not diminish the ability of an individual to fully participate in all aspects of life.

The issues addressed by Senate Joint Resolution 29 were of great concern to the disabled community and the FDR Memorial Commission and members of the Roosevelt family. I am glad to see we have before us today a consensus bill that will address this issue in a dignified and thoughtful manner.

Mr. Speaker, I support the legislation and urge my colleagues for their support of this bill. I thank my good friends and the gentleman of the Subcommittee on National Parks and Public Lands for his management of this bill.

Mr. HINCHEY. Mr. Speaker, I rise in support of the legislation. As the sponsor of the House version of the resolution, I am pleased that it has been brought before the House so promptly and expeditiously. The Senate has already adopted the resolution by unanimous consent, and the President has publicly supported it. I especially want to thank our committee chairman, DON YOUNG, and our subcommittee chair, JIM HANSEN, for expediting the resolution's consideration, and Dan Smith, of the committee staff, for his work on this.

Along with our colleague, PHIL ENGLISH, I served on the Franklin Delano Roosevelt Memorial Commission, which was responsible for the design and construction of the new Roosevelt Memorial. For a long time, the Commission was ambivalent about whether the memorial should include a depiction of the President in his wheelchair. On the one hand, we knew that President Roosevelt did not want to be portrayed in his wheelchair when he was in office, and he kept the extent of his disability form the public. On the other, we know that his disability is certainly no secret today, and that most Americans find it one of the most inspiring facts about his life.

America has changed in the years since President Roosevelt died, and in the years that the memorial was being planned and built. Congress enacted the Americans with Disabilities Act, which recognizes and protects the rights of the disabled to full participation in our society. When the memorial was first conceived, there was no legal requirement that it be made accessible to the handicapped, and it had already gone through several plans and designs before accessibility even became a consideration. The minds and hearts of our people have opened themselves to the disabled in a way that I am sure that President Roosevelt would have welcomed. I think this change in law and in attitude has brought most of us who were involved with the Memorial close to a consensus that the President's disability should be acknowledged in the memorial, and his triumph over it celebrated along with the many other triumphs of his life and work.

President Roosevelt came from the Hudson Valley, as I do, although our families had little in common. He was a hereditary aristocrat, and grew up on a vast estate overlooking the river. He was educated at the best and most exclusive schools—Groton and Harvard—and was groomed for a life of privilege. Yet his presidency reached out to all Americans. He displayed a particular concern with the lowly, with those who had little or nothing, those whose lives were a forest of obstacles rather than a vista of opportunity. For this he was called a traitor to his class—and those of us who toiled to build the railroads and the towers, and slogged through the mud, loved him all the more for it.

I believe that at least part of the reason he cared so much about those who had to struggle was his own struggle after he was stricken with infantile paralysis just before he turned 40. He made the decision that it would not let it stop him. But it also must have made him understand and sympathize with those who faced other obstacles and tried to overcome them—even if they were not as successful as he was.

President Roosevelt may have intended to be more open about his disability once he left office, and no longer felt the need to convey an image of strength to the Nation. He designed a modest retirement home for himself on his estate at Hyde Park. It was at his retirement cottage where he held the famous barbecue for the King and Queen of England. He designed the cottage to be handicapped-accessible and barrier-free—a major innovation in its time. Had he lived, his home might have served as an example, and might have advanced barrier-free design by several decades.

But as I said, even if his disability was not widely known when he was alive, it is known now. We should not try to hide it again at the memorial or elsewhere. Instead, we should show the positive side. We should let today's Americans and future generations know that an obstacle like the one the President suffered can be overcome. We should let them know that people with disabilities are people like everyone else, people whose talents and capabilities can benefit everyone else, people who can lead and can achieve. And we should let the memorial serve as a place of pride and inspiration for those who do suffer from disabilities: that someone who shared their burden rose as high as President Roosevelt and achieved as much.

We hope that progress on this addition to the memorial will go forward as expeditiously as this legislation, and that Secretary Babbitt and the Park Service will turn their attention to it as quickly as possible. At the same time, I hope they will review some concerns that have been raised about accessibility at the memorial now that it is open to the public—to find ways to allow disabled visitors to experience the same sense of participation and closeness to the Roosevelts as other visitors, specifically to be able to feel the braille inscriptions, touch the statues, and enjoy the cooling waters as President Roosevelt himself did. The resolution gives the Park Service flexibility in developing a design for this addition, but we hope that the Service will fully take into account the sensibilities of disabled Americans, and will include a representation as prominent and tangible as the statues that have already been erected.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I would like to take this opportunity to comment on the importance of Senate Joint Resolution 29, a bill that fully honors the memory of one of our Nation's finest Presidents, Franklin Delano Roosevelt.

Foremost, I want to thank Senator INOUYE of Hawaii for introducing this legislation. Senator INOUYE'S leadership and dedication to a proper memorial has been second to none. Senator INOUYE has correctly stated that, ''disability is a natural part of the human experience and in no way diminishes the right of individuals to participate in all aspects of American life * * * the depiction of President Roosevelt in a wheelchair will inspire the tragically afflicted. It may very well be a more honest way to depict President Roosevelt.'' Such a strong commitment on the part of Senator INOUYE has allowed us all to pay full tribute to the life of Franklin Delano Roosevelt.

I also want to thank Representative DON YOUNG of Alaska, chairman of the House Resources Committee, and Representative GEORGE MILLER of California for bringing this legislation to the House side in a bipartisan manner.

Modifying the Franklin Delano Roosevelt Memorial by adding a permanent statue which depicts him as a citizen with a handicap is essential if we are to fully understand the life and times of FDR. The need to erect a permanent addition to the FDR Memorial is twofold. First, it is imperative to publicly acknowledge the great accomplishments of our 32d President. And second, a permanent statue sends a message to our citizens that handicaps do not limit a person's opportunity for achievement.

FDR's accomplishments as President speak volumes of the fact that people living with handicaps can accomplish their goals. Throughout his tenure as President, FDR remained firmly committed to the development of all Americans, those with disabilities, and those without. In his second inaugural address, FDR spoke of the ''road of enduring progress'' on which he claimed that ''mental and moral horizons had been extended.'' For FDR this goal was especially important to those living with handicaps. Ultimately, FDR sought the advancement of this cause through the establishment of a foundation at Warm Springs, GA, to help other polio victims, and inspired the March of Dimes program which funded an effective vaccine.

To be sure, our country has built upon the legacy of FDR and has come a long way in ensuring the equality of all citizens living with disabilities through programs such as the Americans With Disabilities Act and the Individuals. With Disabilities Education Act. The FDR Memorial is simply a testament of how far along the road of progress we have come as a nation to ensuring that persons living with

both mental and physical handicaps are entitled to equal rights, equal access, and equal opportunity.

The FDR Memorial serves as a reference point for those of us who are traveling down the road of progress. FDR renounced fear as it is "nameless, unreasoning, unjustified terror which paralyzes needed efforts to convert retreat into advance." President Roosevelt's continued renunciation of fear, refusal to crumble, and ability to act decisively and fearlessly in spite of the pressures of the Great Depression and World War II allowed him to develop into one of the finest role models for the people of the United States.

A permanent statue of FDR as a citizen with a disability will forever inspire all citizens to forge through our fears and most difficult times. To me it is ironic, yet only fitting, that during the Great Depression, a time when our Nation was in fact disabled, a man living with a handicap, stepped beyond his limitations to lead our Nation like no other. Our 32d President not only lived with a handicap, but did so while being one of the great leaders of our country. FDR is symbolic of perseverance, and his Presidency is testimony that mental and physical handicaps are not impediments to success.

In the end, a permanent statue which portrays Franklin Delano Roosevelt as a person with a handicap will be forever a reminder that disability is part of humanity and in no way reduces a person's chance of fulfilling his or her dreams.

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

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

The SPEAKER pro tempore (Mr. GOODLING). The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the Senate joint resolution, Senate Joint Resolution 29.

The question was taken.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

FACILITATING A LAND EXCHANGE WITHIN THE WENATCHEE NATIONAL FOREST IN CHELAN COUNTY, WA

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 822) to facilitate a land exchange involving private land within the exterior boundaries of Wenatchee National Forest in Chelan County, WA, as amended.

The Clerk read as follows:

H.R. 822

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

SECTION 1. BOUNDARY ADJUSTMENT, WENATCHEE NATIONAL FOREST, WASHINGTON.

The boundary of the Wenatchee National Forest in Chelan County, Washington, is hereby adjusted to exclude section 1 of Township 23 North, Range 19 East, Willamette Meridian.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah [Mr. HANSEN] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

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

Mr. Speaker, H.R. 822, as amended, is a bill introduced by my colleague, the gentleman from Washington [Mr. HASTINGS]. Mr. Hastings has worked hard to make this bill acceptable to the administration. The passage of this bill will benefit the people of Washington and the people of the United States.

H.R. 822 expedites a land exchange between a parcel of private property, currently within the boundaries of the Wenatchee National Forest, with the Bureau of Land Management. The Forest Service boundary needs to be removed for a land exchange to occur. The Forest Service does not have the authority to remove the boundary administratively, although they state the boundary is no longer needed. The Forest Service also agrees the old boundary does not contribute to the management of the Wenatchee National Forest. The BLM has expressed interest in acquiring the land parcel through exchange in order to consolidate their holdings which are adjacent to the private land. In order for this exchange to occur, the congressionally authorized Forest Service boundary surrounding this private property must be removed. This removal is required to allow an administrative exchange with the BLM.

Mr. Speaker, this is a noncontroversial measure that is supported by the administration, and I urge my colleagues to support H.R. 822.

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

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

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

Mr. Speaker, I want to commend the good gentleman from the State of Washington [Mr. HASTINGS] for his sponsorship of this legislation.

Mr. Speaker, H.R. 822 directs that, if the Secretary of the Interior acquires by exchange certain private lands located within the boundaries of the Wenatchee National Forest, those lands will be administered by the Bureau of Land Management instead of the Forest Service. As originally drafted, the bill was opposed by the administration. There were discussions during the committee consideration of H.R. 822 on an alternative legislative approach that would statutorily remove the acquired lands from the national forest boundary, and the Committee on Resources adopted such language as an amendments. With this change we support the legislation.

Again I thank my good friend, the gentleman from Utah, for his management of this legislation and our good friend from Washington for his sponsorship of this bill.

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

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington [Mr. HASTINGS], the sponsor of this bill.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, this is a commonsense approach to a small problem, frankly, that deals with 640 acres in the Wenatchee National Forest, where an individual wants to exchange it to potentially put this into development; but he cannot exchange it unless these boundaries are removed because the other Federal agency involved, the Bureau of Land Management, would have input into that process. So this simply removes the boundary to allow negotiations to start between this individual and BLM. It does not mandate anything, it just allows the process to start.

I might add that I think this is important for Chelan County, because upwards of 75 percent of that county is in Federal control. An opportunity like this for potential development in the private sector, I think, is good for Chelan and I think good for that area.

Mr. Speaker, I thank the gentleman from Utah [Mr. HANSEN] for moving expeditiously on this.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 822, as amended.

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

A motion to reconsider was laid on the table.

REQUIRING THE EXCHANGE OF CERTAIN LANDS LOCATED IN HINSDALE, CO

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 951) to require the Secretary of the Interior to exchange certain lands located in Hinsdale, CO.

The Clerk read as follows:

H.R. 951

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

SECTION 1. LARSON AND FRIENDS CREEK EXCHANGE.

In exchange for conveyance to the United States of an equal value of offered lands acceptable to the Secretary of the Interior

which lie within, or in proximity to, the Handies Peak or Red Cloud Peak Wilderness Study Areas or the Alpine Loop Backcountry Bi-way in Hinsdale County, Colorado, the Secretary of the Interior shall convey to Lake City Ranches, Ltd., a Texas limited partnership (in this section referred to as ''LCR''), approximately 560 acres of selected land located in the same county and generally depicted on a map entitled ''Larson and Friends Creek Exchange'', dated June 1996. The exchange shall be contingent upon LCR granting the Secretary a permanent conservation easement on the approximate 440 acre Larson Creek portion of the selected lands (as depicted on the map) which limits future use of such lands to agricultural, wildlife, recreational, or open space purposes. The exchange shall also be subject to the standard appraisal requirements and equalization payment limitations set forth in section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716), and to reviews and approvals relating to threatened species and endangered species, cultural and historic resources, and hazardous materials under other Federal laws. The costs of such appraisals and reviews shall be paid by LCR. The Secretary may credit such payments against the value of the selected land, if appropriate, pursuant to section 206(f) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(f).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah [Mr. HANSEN] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

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

Mr. Speaker, H.R. 951 is a bill introduced by my colleague, the gentleman from Colorado [Mr. MCINNIS]. Because of the outstanding effort of the gentleman from Colorado, this bill is agreeable to the administration, to the environmental community, and to the private property owners.

I would also like to commend another colleague, the gentleman from Texas [Mr. THORNBERRY], who has added his support to this bill.

H.R. 951 requires the Secretary of the Interior to exchange approximately 560 acres of Federal land located in Colorado to Lake City Ranches, Ltd. This land is currently managed by the Bureau of Land Management. In return, the U.S. Government will receive inholdings within the proposed Handies Peak or Red Cloud Wilderness Areas, or along the Alpine Loop Backcountry Biway. The BLM is also granted a permanent conservation easement on 440 acres of the lands conveyed to be used for agricultural, wildlife, recreation, or open space purposes.

Mr. Speaker, this bill has very wide community support and I urge my colleagues' support of H.R. 951.

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

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume, and again I commend the gentleman from Colorado for his sponsorship of this legislation.

Mr. Speaker, H.R. 951 provides for the exchange of certain public lands in Hinsdale County in the State of Colorado for private lands that are located within or in proximity to several wilderness study areas and a backcountry bi-way. The bill provides that the exchange be of equal value. In addition, as a condition of the exchange, the private landowner will keep approximately 440 of the 560 acres under a conservation easement.

The exchange is supported by the local community, by the environmental groups, and the administration. I am unaware of any controversy associated with the bill and certainly will support this legislation and urge my colleagues to do the same.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 951.

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

A motion to reconsider was laid on the table.

VALIDATING CERTAIN LAND CONVEYANCES IN THE CITY OF TULARE, CA

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 960) to validate certain conveyances in the city of Tulare, Tulare County, CA, and for other purposes, as amended.

The Clerk read as follows:

H.R. 960

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

SECTION 1. FINDINGS.

The Congress finds that:

(1) It is in the Federal Government's interest to facilitate local development of jobs in areas of high unemployment.

(2) Railroad interests in rights-of-way prevent local communities from obtaining clear title to property for development unless the city also obtains the Federal revisionary interest in those rights-of-way.

(3) For development purposes, in order to secure needed financing, the City of Tulare Redevelopment Agency requires clear title to certain parcels of and within the city's business corridor that are part of a railroad right-of-way.

SEC. 2. TULARE CONVEYANCE.

(a) IN GENERAL.—Subject to subsections (c) and (d), all conveyances to the Redevelopment Agency of the City of Tulare, California, of lands described in subsection (b), heretofore or hereafter, made directly by the Southern Pacific Transportation Company, or its successors, are hereby validated to the extent that the conveyances would be legal or valid if all rights, title, and interest of the United States, except minerals, were held by the Southern Pacific Transportation Company.

(b) LANDS DESCRIBED.—The lands referred to in subsection (a) are the parcels shown on the map entitled ''Tulare Redevelopment Agency-Railroad Parcels Proposed to be Acquired'', dated 5/29/97, that formed part of a railroad right-of-way granted to the Southern Pacific Railroad Company, or its successors, agents, or assigns, by the Federal Government (including the right-of-way approved by an Act of Congress on July 27, 1866). The map referred to in thus subsection shall be on file and available for public inspection in the offices of the Director of the Bureau of Land Management.

(c) PRESERVATION OF EXISTING RIGHTS OF ACCESS.—Nothing in this section shall impair any existing rights of access in favor of the public or any owner of adjacent lands over, under or across the lands which are referred to in subsection (a).

(d) MINERALS.—The United States disclaims any and all right of surface entry to the mineral estate of lands described in subsection (b).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah [Mr. HANSEN] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

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

Mr. Speaker, H.R. 960, introduced by the gentleman from California [Mr. THOMAS] will give the Tulare Redevelopment Agency the ability to purchase lands within the railroad right-of-way that bisects their city. This bill would validate the city's title to one parcel of land that they bought from the railroad before learning the title was clouded by the Federal Government's reversionary interest. It would also allow the railroad to pass clear title to parcels of land shown on the referenced map.

This legislation is a reasonable solution to a difficult problem. The BLM has studied the issue and concluded that the lands in question are best suited for local development as planned by the redevelopment agency. The gentleman from California has worked very hard with the BLM to craft a bill that would be satisfactory to all concerned. The bill has been amended to clarify language that gives the railroad the right to pass clear title to only the redevelopment agency. Language has also been removed from the bill that the administration felt could be construed as a waiver of environmental laws. The current bill would also preserve the Federal interest in mineral rights to the lands, while at the same time disclaiming any right the Government may have to surface entry to the mineral estate. This gives the city the ability to go forward with planning, financing and development.

This bill is intended to resolve an unusual problem within the city of Tulare. The bill is not intended to be dispositive of the status of other rail properties nor is it intended to set a general policy for the treatment of railroad grants. Concerns that this action would set an undesirable precedent regarding railroad right-of-way problems are, I believe, therefore unfounded.

This is a good bill. It is long overdue. I urge my colleagues to support it and allow the Tulare Redevelopment Agency to get on with their efforts to facilitate development and economic growth within their city.

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

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume and, before addressing the legislation before us, I want to thank the Speaker for properly pronouncing the jurisdiction of the district that I represent, American Samoa. It is not Somalia, Somoya, it is Samoa, and I thank the Speaker for that.

Mr. Speaker, I commend the gentleman from California [Mr. THOMAS] for his sponsorship of this legislation. The purpose of H.R. 960, introduced by the gentleman from California, is to allow the city of Tulare in California to acquire property to then resell or lease in order to address redevelopment needs. The property in question is a railroad right-of-way comprised of a 400-foot-wide corridor which was given to Southern Pacific Transportation Co., now owned by the Union Pacific Railroad Co., on a limited fee basis by the United States for the construction of a railroad and telegraph line. If and when the right-of-way is no longer used for the original intent, the property would revert to the United States. Because Union Pacific Railroad Co., does not own this property free and clear, it cannot convey a clear title unless the United States relinquishes its interest in the land.

Under current law, the National Trails Systems Act provides that railroad rights-of-way lands, once abandoned, will remain in the Federal domain. Further, the act establishes a mechanism by which these lands can be used for recreation purposes or for recreation trails. H.R. 960 would preempt this law.

In the past, Congress has voted to validate some limited conveyances by railroad companies. In those cases, private landowners bought what they believed to be clear titles to property only to find out about the U.S. interest in the lands when they went to build or resell the property.

□ 1515

Other instances arose where an adjacent landowner mistakenly built a garage or add-on to a private home which infringed on the right-of-way. Parcels approved in the past have been of little monetary value and were mostly used for private housing.

This legislation will mark the first time a Congress will prospectively validate parcels in this manner. Enactment of this legislation will be the first time the United States relinquishes its interest in its railroad right-of-way lands for the purpose of community development.

By all accounts, the city of Tulare, CA is in need of revitalization. Extinguishing Federal rights in this land may help the redevelopment of the area, and I hope it does. How much profit Union Pacific Railroad Co. seizes from gaining the Federal interest will presumably be determined through price negotiation with the city of Tulare. This legislation reacts to a specific and unique set of circumstances in the city of Tulare.

In this instance, the Federal Government has determined that if the railroad right-of-way lands were to revert to the Federal Government, it would not be interested in managing the land and would seek to dispose of the land. Passage of this legislation should not be perceived as endorsing the concept of the Federal Government giving away public rights without compensation.

With that statement, Mr. Speaker, again I urge my colleagues to support this legislation with those bases of clarification; and again I thank our good friend from California for his diligence and working closely both with the administrators and with Members of this side of the aisle.

The United States gave Southern Pacific Transportation Co. an interest in the lands that are the subject of H.R. 960 through a right-of-way granted under the Pacific Railroads Act of July 1, 1862, ch. 120, 12 Stat. 489, as amended. Section 2 of the act granted a 400-foot-wide right-of-way through the public lands of the United States: ''For the construction of a railroad and telegraph line.''

In *Northern Pac. Ry.* v. *Townsend*, 190 U.S. 267, 271 (1903), the right-of-way grant was characterized as a ''limited fee made on an implied condition of reverter'' in the event that the railroad ceased to use the right-of-way for the purpose for which it was granted. Under these conditions, if the railroad were to cease use of the right-of-way, and a forfeiture were declared by the Congress or a judicial proceeding initiated by the Attorney General of the United States, the railroad would lose its interest in the land, which would revert to the Federal Government.

The National Trails System Act, 16 U.S.C. 1241, provides that * * * all right, title, interest, and estate of the United States in all rights-of-way * * * shall remain in the United States upon the abandonment or forfeiture. * * * This act establishes a mechanism by which the reverted land can be used for recreation trails. H.R. 960 would preempt the National Trails System Act by eliminating the reversionary interest.

The city of Tulare wants to buy the right-of-way land alongside the railroad to sell or lease through the city of Tulare Redevelopment Agency. The railroad, however, does not own the land—the taxpayers do—and so the title is not cleared to convey. One parcel in the city of Tulare has already been sold by the railroad despite the fact it did not own the land. This legislation would validate title to the parcel already sold as well as prospectively extinguishing Federal reversion rights on all lands within the redevelopment plan area, thereby giving Southern Pacific Transportation Co. clear title to sell the lands and to profit from their disposal.

In the past Congress has validated some limited conveyances in situations where the new owner purchased the land in good faith without realizing there was a reversion interest to the Federal Government. Parcels approved in the past have been of little monetary value and were mostly used for private housing. This legislation will mark the first time that Congress prospectively validated parcels in this manner before they were sold and before any party was misled about the title of land which it had purchased.

Enactment of this legislation will be the first time the United States relinquishes its interest in railroad rights-of-way lands for the purpose of community redevelopment. By all accounts the city of Tulare is in need of revitalization. Extinguishing Federal rights to this land may help the redevelopment of the area. How much profit Southern Pacific Transportation Co. realizes from selling the Federal interest will presumably be determined through price negotiations with the city of Tulare.

It should be noted that this legislation responds to a specific and unique set of circumstances in the city of Tulare. In this instance, the Federal Government has determined that if the railroad right-of-way lands were to revert, the Federal Government would not be interested in managing the lands. Passage of this legislation should not be perceived as endorsing the concept of the Federal Government giving away public rights without just compensation.

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

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. THOMAS], the sponsor of this legislation, who has worked many, many hours to bring this to pass.

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

Mr. THOMAS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I want to thank both the chairman and ranking member for taking the time that they have in looking at this obviously unique situation. I think all of us want to underscore the hours consumed in dealing with this issue is because it is a unique situation. It probably will remain unique, given the definition of unique, and it will not set a precedent.

The people in the small community of Tulare in the central valley of California have got to feel comfortable that people who represent American Samoa and Utah, in their subcommittee duties, took enough time to understand the uniqueness of this situation that would allow what would if it were precedent-setting be an extremely unusual situation to go forward. I want to thank both of you for their willingness to work with my office and my constituents.

Mr. Speaker, I am extremely pleased that the House is considering my bill, H.R. 960, today because the bill is an essential step toward giving the city of Tulare, California's Tulare Redevelopment Agency the tools with which to end a blight in the city's downtown area. This bill will give local people control over Federal reversionary interest in railroad rights of way bisecting the very heart of the city, allowing a rural community with high unemployment to bring in new jobs.

H.R. 960 takes a new approach to the complicated field of Federal land grants because

of the unusual problem confronting the city of Tulare. Our Resources Committee colleagues passed the bill by voice vote on June 25, 1997, because they saw the need to foster redevelopment in this community. So does the Bureau of Land Management. In fact, the Bureau's full support of H.R. 960 is expressed in a letter I am submitting for the RECORD. We were able to reach agreement on the legislation because of the widespread agreement on the very unique setting H.R. 960 will address.

Tulare, a city of 40,350 located in California's Central Valley, has an unemployment rate of over 15 percent. The surrounding county has a similarly high-unemployment rate and residents of the area have median incomes that are 30 percent below the rest of California's. City of Tulare leaders have been looking for ways to bring more jobs to the region for years. Tulare's Redevelopment Agency has been working on a redevelopment program as part of that process and the agency needs H.R. 960 to carry out its program.

H.R. 960 is a very limited proposal intended to meet unique needs. It transfers the Federal reversionary interest in 12 parcels of land in the middle of the community to the city of Tulare's Redevelopment Agency so that the agency can pursue a 10-year program to finance and market a redevelopment program intended to help bring retailing opportunities and jobs to the community.

There is no reason for the lands covered by H.R. 960 to be retained at the Federal level for recreational purposes. The parcels are in the midst of an urban, largely industrial area. The Bureau of Land Management [BLM] does not want these properties back and that the agency would seek some way of getting the land to Tulare if the railroad ever relinquished control. In similar circumstances, BLM has found these urban settings to be a drain on its resources because the unoccupied properties become casual dumping grounds which cost BLM money to clean up.

If allowed to redevelop land adjacent to the rail line, the people of Tulare believe that it could generate more than 350 jobs in 6 years because of the agency's plan to create a retail shopping area.

The city cannot gain control over the core of this corridor without a change in Federal law. In the last century, Congress extended rights of way to railroads in order to encourage the creation of a rail transport system. The Southern Pacific Railroad received rights for tracks and land adjacent to those tracks within what is now Tulare. Because the Federal Government has a reversionary interest in the right of way and surrounding properties, the redevelopment agency cannot obtain control of all the 12 parcels of land along the rail line that the city wishes to redevelop. The city cannot condemn the Federal interest and as a result, cannot make use of anything the community might secure from the railroad.

The railroad and its successor, Union Pacific, run over 30 trains per day through the center of the city and as a result the tracks will probably never be abandoned under the law. The railroad will continue to argue that it controls the adjoining parcels of land because abandonment has not occurred. The Federal interest in these properties is at best a highly speculative, prospective one and that is the way things are likely to stay. That leaves Tulare with a problem.

Most of the land along the tracks is empty. Small shops east of the rail line and a cotton seed mill and family homes on the other side look out on blighted property. There are a few small businesses operating on short-term leases and an abandoned gas station on railroad property along the corridor. For the most part, however, a visitor can see nothing but vacant lots that have cut off business growth from the east. The Tulare Redevelopment Agency's plan would preserve the railroad tracks while allowing some of this empty space in the center of town to be turned into more productive use.

H.R. 960 clears the path for redevelopment. First, it gives the city clear title to one piece of property which Tulare already thought it had purchased from Southern Pacific before learning that railroad law clouded the title. Second, it transfers the reversionary interest in 11 other parcels so that the redevelopment agency can deal with the railroad and secure the remaining properties.

It is essential that we pass this bill because the redevelopment plan cannot be made to work piecemeal. Following the practices of the past and ''confirming'' title in someone who has already bought a clouded title only solves part of the city's problem. To ensure coherent economic redevelopment, the redevelopment agency has to control all the parcels of land so planning, marketing and community financing of the development are possible. Giving the city title to one piece of property will deny the city resources to continue developing. Forcing the city to come back to Congress each time an interest is transferred is a waste of the city's time and ours.

The bill is not intended by the Resources Committee or by me to be dispositive of the status of other rail properties not addressed in the legislation nor is it intended to set a general policy for the treatment of railroad grants. Because the city needs the redevelopment H.R. 960 will facilitate, our colleagues decided this unique approach should be adopted in this case.

I urge my colleagues to join me passing H.R. 960 today. Tulare wants to take control over its own economic destiny by putting lousy land to better use. Unless this bill is enacted, Congress will be in the way of a city that badly needs our help.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, June 24, 1997.

Hon. DON YOUNG,
Chairman, Committee on Resources, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for this opportunity to comment on H.R. 960, a bill that will extinguish the Federal government's right of reversion to lands encumbered by a railroad right-of-way within Tulare, California. The Bureau of Land Management (BLM), testified at a hearing on May 20, 1997, before the Subcommittee on National Parks and Public Lands on this bill. It is my understanding that this bill will soon be marked up by your Committee and we would like our views included for the Record. The Administration supports the legislation as reported to your Committee.

The BLM testified before the Subcommittee in support of H.R. 960 if certain changes were made to the bill. Those changes were made in Subcommittee markup and we now support this bill.

H.R. 960 would eliminate all rights of the United States to land within a railroad right-of-way, granted by an Act of Congress on July 27, 1886, in downtown Tulare, California. The City of Tulare has requested this action in order to obtain clear title to those portions of the right-of-way within an Urban Redevelopment Plan adopted by the City. H.R. 960 would accomplish this by validating conveyances made prior to or after April 15, 1996, to the City of Tulare's Redevelopment Agency by the Southern Pacific Transportation Company, the holder of the railroad right-of-way (or its successor, presently Union Pacific Railroad).

Currently, some 30 trains a day cross the tracks in the center of this right-of-way through downtown Tulare and the railroad owner has no plans to stop using the tracks. Therefore, until abandonment is legally determined, the property does not revert to the Federal government.

Our understanding of the situation is that the City of Tulare attempted to acquire one parcel of land within the right-of-way for redevelopment purposes and was informed by their title company that it would not insure title because of the reversionary nature of the railroad's right-of-way. Because of this, the City did not attempt to acquire any of the remaining lands within its redevelopment area (encompassing approximately 60 acres) pending resolution of this issue.

The right-of-way granted pursuant to the Act of July 27, 1866, is a grant of a limited fee, made on an implied condition of reverter in the event that the company ceased to use or retain the land for the purpose for which it was granted. By the Act of May 24, 1920 (43 U.S.C. 913), the railroad owners were authorized to convey to States, counties or municipalities the outer portions of the right-of-way for use as a public highway or street (such conveyances would still be subject to the possible future reversion to the United States). The 1988 National Trails System Act (16 U.S.C. 1248(c)), provides that ''. . . all right, title, interest, and estate of the United States . . . shall remain in the United States upon the abandonment or forfeiture . . .'' of the railroad.

BLM has examined the lands in downtown Tulare and has concluded that because of their location, and having reviewed the City's plans, the lands are best suited for local development as planned by the Redevelopment Agency.

BLM is not interested in managing the lands involved even if they did revert to the Federal government. In the interim, the City of Tulare deserves to be able to plan for the development of its downtown and revitalize its business center. The only way that this public goal can be realized is for the Federal government to relinquish its interest in the property involved through legislation such as H.R. 960.

We made several recommended changes which have been incorporated in the bill, including the deletion of the waiver of environmental laws and revised language clarifying that only conveyances from the railroad to the Redevelopment Agency would be validated. Finally, we requested that a map of this area be on file with the BLM and that we have an opportunity to see such a map before markup. We have reviewed that map and are satisfied with it.

Thank you for the opportunity to comment on this legislation. The Office of Management and Budget has advised us that it has no objection to the submission of this report from the standpoint of the President's program.

Sincerely,

PIET DEWITT,
Acting Deputy Assistant Secretary.

Mr. Speaker, I thank the chairman and ranking member once again.

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

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

The SPEAKER pro tempore (Mr. GOODLING). The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 960, as amended.

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

A motion to reconsider was laid on the table.

CONVEYING CERTAIN LAND TO CITY OF GRANTS PASS, OR.

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1198), to direct the Secretary of the Interior to convey certain land to the city of Grants Pass, OR., as amended.

The Clerk read as follows:

H.R. 1198

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

SECTION. 1. CONVEYANCE OF BLM LAND TO GRANTS PASS, OREGON.

(a) CONVEYANCE REQUIRED.—The Secretary of the Interior shall promptly convey to the City of Grants Pass, Oregon (in this section referred to as the ''City''), without monetary compensation, all right, title, and interest of the United States in and to the real property described in subsection (b).

(b) PROPERTY DESCRIBED.—(1) IN GENERAL.—The real property referred to in subsection (a) is that parcel of land depicted on the map entitled ''Merlin Landfill Map'' and dated June 20, 1997, consisting of—

(A) approximately 200 acres of Bureau of Land Management Land on which the City has operated a landfill under lease; and

(B) approximately 120 acres of Bureau of Land Management Land that are adjacent to the land described in subparagraph (A).

(2) DETERMINATION BY SECRETARY.—The Secretary of the Interior may determine more particularly the real property described in paragraph (1).

(c) CONSIDERATION.—As consideration for the conveyance under subsection (a), the Secretary shall require the City to agree to indemnify the Government of the United States for all liability of the Government that arises from the property.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah [Mr. HANSEN] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

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

Mr. Speaker, H.R. 1198, as amended, is a bill introduced by my colleague, the gentleman from Oregon [Mr. SMITH]. Mr. SMITH has worked hard to develop a bill which successfully resolves an environmentally sensitive issue and will benefit the people of Oregon.

H.R. 1198 directs the Secretary of the Interior to convey certain Federal land currently used as a solid waste landfill facility from the Bureau of Land Management to the city of Grants Pass, OR. This bill transfers title and all right and interest of the real property to the city of Grants Pass, while indemnifying the Government of the United States for all liability that may arise from the property. A technical amendment provided the title and date of the map in the property description found in section 1(b)(1) of the bill.

This bill is noncontroversial and is supported by the administration and the city of Grants Pass, OR. I urge my colleagues to support H.R. 1198.

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

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume. I too would like to commend the gentleman from Oregon [Mr. SMITH], who is also a member of our committee, for his sponsorship of this legislation.

Mr. Speaker, H.R. 1198 directs the Secretary of the Interior to convey to the city of Grants Pass, OR, without monetary consideration, approximately 200 acres of public land which the city has operated under lease and 120 acres of adjacent public land to be used as a buffer. In addition, the bill specifies that the city must agree to indemnify the United States from all liability that arises from the property.

In testimony before the Committee on Resources, the administration stated its support of the bill, and I know of no controversy associated with the legislation.

With that in mind, Mr. Speaker, I urge my colleagues to support this bill.

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

Mr. HANSEN. Mr. Speaker, I have no further speakers on this issue, and I yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, before I yield the balance of my time, I would like to say that I would be remiss if I did not offer my commendations to the members of the staff on this side of the aisle for their tremendous work with the Members in getting this piece of legislation successfully passed here on the floor of the House: Mr. Rick Healy, Marie Howard Fabrizio, Jean Flemma, and Ann Owens.

Mr. SMITH of Oregon. Mr. Speaker, I rise today to urge swift passage for this legislation which would transfer the Merlin Landfill in my district to the city of Grants Pass, OR.

Grants Pass is a small city in southern Oregon and has leased approximately 200 acres of BLM land for the Merlin Landfill since 1968. This lease is due to expire on April 14, 2000, 2 or 3 years short of the landfill's operational lifespan. The BLM has stated that it will not renew this lease.

In 1990, low levels of organic chemicals were identified in groundwater beyond the site boundaries. This contamination was so minimal that if the water was used for public drinking, it would meet all Federal and State standards for safety. Nevertheless, the Superfund law requires that, as public land, the site be listed as a contaminated Federal facility and evaluated for ranking on the national priorities list for subsequent cleanup.

Although the BLM would be responsible for performing this cleanup, Superfund requires that the Bureau recover its costs. As with other Superfund liability disputes, the litigation expenses incurred by both the BLM and the city could quite possibly cost more than the cleanup itself. These circumstances led the BLM to attempt to cancel the Merlin Landfill's lease in 1991. Because a lease termination or a suspension in operation during the cleanup would pose an enormous financial burden on the citizens and businesses of Grants Pass, the city successfully worked with the BLM to address the environmental concerns. These efforts have cost the city several million dollars

In addition, the city has entered into a consent order with the Oregon Department of Environmental Quality obligating it to address the remaining concerns in preparation for the eventual closure of the landfill. However, despite its faithful cooperation in addressing these issues, if the landfill closes when the lease terminates in the year 2000, the city will not have adequate financial resources to fund the remaining compliance activities as well as the Closure and Post-Closure Trust Funds.

After exploring a number of nonlegislative options, the concerned parties came to a consensus agreement that the best and most cost-effective solution to the problem would be for the BLM to transfer the leased land and an additional parcel of 120 acres to the city. In turn, Grants Pass would accept all liability and responsibility for cleaning up the contaminated area.

Most important, however, is that such a transfer would allow operations to continue at the Merlin Landfill for another 2 or 3 years past the lease termination date. This would allow the city to raise enough money to meet its environmental obligations including the Closure and Post-Closure Trust Funds.

This is simple, cost-effective, good government, and it is recognized as such by all parties involved. The Oregon Department of Environmental Quality, Josephine County, the BLM, and the Governor's office have all voiced their support for this legislation. I, too, hope for a speedy passage so that the city of Grants Pass and the BLM have adequate time to prepare and complete this transfer.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 1198, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on S.J.Res. 29, H.R. 822, H.R. 951, H.R. 960, and H.R. 1198, the bills just considered.

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

There was no objection.

ATLANTIC STRIPED BASS CONSERVATION ACT AMENDMENTS OF 1997

Mr. PETERSON of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1658) to reauthorize and amend the Atlantic Striped Bass Conservation Act and related laws, as amended.

The Clerk read as follows:

H.R. 1658

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Atlantic Striped Bass Conservation Act Amendments of 1997''.

SEC. 2. REAUTHORIZATION AND AMENDMENT OF ATLANTIC STRIPED BASS CONSERVATION ACT.

The Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is amended to read as follows:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'Atlantic Striped Bass Conservation Act'.

''SEC. 2. FINDINGS AND PURPOSES.

''(a) FINDINGS.—The Congress finds and declares the following:

''(1) Atlantic striped bass are of historic commercial and recreational importance and economic benefit to the Atlantic coastal States and to the Nation.

''(2) No single government entity has full management authority throughout the range of the Atlantic striped bass.

''(3) The population of Atlantic striped bass—

''(A) has been subject to large fluctuations due to natural causes, fishing pressure, environmental pollution, loss and alteration of habitat, inadequacy of fisheries conservation and management practices, and other causes; and

''(B) risks potential depletion in the future without effective monitoring and conservation and management measures.

''(4) It is in the national interest to implement effective procedures and measures to provide for effective interjurisdictional conservation and management of this species.

''(b) PURPOSE.—It is therefore declared to be the purpose of the Congress in this Act to support and encourage the development, implementation, and enforcement of effective interstate action regarding the conservation and management of the Atlantic striped bass.

''SEC. 3. DEFINITIONS.

''As used in this Act—

''(1) the term 'Magnuson Act' means the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

''(2) The term 'Atlantic striped bass' means members of stocks or populations of the species Morone saxatilis, which ordinarily migrate seaward of the waters described in paragraph (3)(A)(i).

''(3) The term 'coastal waters' means—

''(A) for each coastal State referred to in paragraph (4)(A)—

''(i) all waters, whether salt or fresh, of the coastal State shoreward of the baseline from which the territorial sea of the United States is measured; and

''(ii) the waters of the coastal State seaward from the baseline referred to in clause (i) to the inner boundary of the exclusive economic zone;

''(B) for the District of Columbia, those waters within its jurisdiction; and

''(C) for the Potomac River Fisheries Commission, those waters of the Potomac River within the boundaries established by the Potomac River Compact of 1958.

''(4) The term 'coastal State' means—

''(A) Pennsylvania and each State of the United States bordering on the Atlantic Ocean north of the State of South Carolina;

''(B) the District of Columbia; and

''(C) the Potomac River Fisheries Commission established by the Potomac River Compact of 1958.

''(5) The term 'Commission' means the Atlantic States Marine Fisheries Commission established under the interstate compact consented to and approved by the Congress in Public Laws 77–539 and 81–721.

''(6) The term 'exclusive economic zone' has the meaning given such term in section 3(6) of the Magnuson Act (16 U.S.C. 1802(6)).

''(7) The term 'fishing' means—

''(A) the catching, taking, or harvesting of Atlantic striped bass, except when incidental to harvesting that occurs in the course of commercial or recreational fish catching activities directed at a species other than Atlantic striped bass;

''(B) the attempted catching, taking, or harvesting of Atlantic striped bass; and

''(C) any operation at sea in support of, or in preparation for, any activity described in subparagraph (A) or (B).

The term does not include any scientific research authorized by the Federal Government or by any State government.

''(8) The term 'moratorium area' means the coastal waters with respect to which a declaration under section 5(a) applies.

''(9) The term 'moratorium period' means the period beginning on the day on which moratorium is declared under section 5(a) regarding a coastal State and ending on the day on which the Commission notifies the Secretaries that that State has taken appropriate remedial action with respect to those matters that were the case of the moratorium being declared.

''(10) The term 'Plan' means a plan for managing Atlantic striped bass, or an amendment to such plan, that is prepared and adopted by the Commission.

''(11) The term 'Secretary' means the Secretary of Commerce or a designee of the Secretary of the Secretary of Commerce.

''(12) The term 'Secretaries' means the Secretary of Commerce and the Secretary of the Interior or their designees.

''SEC. 4. MONITORING OF IMPLEMENTATION AND ENFORCEMENT BY COASTAL STATES.

''(a) DETERMINATION.—During December of each fiscal year, and at any other time it deems necessary the Commission shall determine—

''(1) whether each coastal State has adopted all regulatory measures necessary to fully implement the Plan in its coastal waters; and

''(2) whether the enforcement of the Plan by each coastal State is satisfactory.

''(b) SATISFACTORY STATE ENFORCEMENT.—For purposes of subsection (a)(2), enforcement by a coastal State shall not be considered satisfactory by the Commission if, in its view, the enforcement is being carried out in such a manner that the implementation of the Plan within the coastal waters of the State is being, or will likely be, substantially and adversely affected.

''(c) NOTIFICATION OF SECRETARIES.—The Commission shall immediately notify the Secretaries of each negative determination made by it under subsection (a).

''SEC. 5. MORATORIUM.

''(a) SECRETARIAL ACTION AFTER NOTIFICATION.—Upon receiving notice from the Commission under section 4(c) of a negative determination regarding a coastal State, the Secretaries shall determine jointly, within thirty days, whether that coastal State is in compliance with the Plan and, if the State is not in compliance, the Secretaries shall declare jointly a moratorium on fishing for Atlantic striped bass within the coastal waters of that coastal State. In making such a determination, the Secretaries shall carefully consider and review the comments of the Commission and that coastal State in question.

''(b) PROHIBITED ACTS DURING MORATORIUM.—During a moratorium period, it is unlawful for any person—

''(1) to engage in fishing within the moratorium area;

''(2) to land, or attempt to land, Atlantic striped bass that are caught, taken, or harvested in violation of paragraph (1);

''(3) to land lawfully harvested Atlantic striped bass within the boundaries of a coastal State when a moratorium declared under subsection (a) applies to that State; or

''(4) to fail to return to the water Atlantic striped bass to which the moratorium applies that are caught incidental to harvesting that occurs in the course of commercial or recreational fish catching activities, regardless of the physical condition of the striped bass when caught.

''(c) CIVIL PENALTIES.—

''(1) CIVIL PENALTY.—Any person who commits any act that is unlawful under subsection (b) shall be liable to the United States for a civil penalty as provided by section 308 of the Magnuson Act (16 U.S.C. 1858).

''(2) CIVIL FORFEITURES.—

''(A) IN GENERAL.—Any vessel (including its gear, equipment, appurtenances, stores, and cargo) used, and any fish (or the fair market value thereof) taken or retained, in any manner, in connection with, or as the result of, the commission of any act that is unlawful under subsection (b) shall be subject to forfeiture to the United States as provided in section 310 of the Magnuson Act (16 U.S.C. 1860).

''(B) DISPOSAL OF FISH.—Any fish seized pursuant to this Act may be disposed of pursuant to the order of a court of competent jurisdiction, or, if perishable, in a manner prescribed in regulations.

''(d) ENFORCEMENT.—A person authorized by the Secretary or the Secretary of the department in which the Coast Guard is operating may take any action to enforce a moratorium declared under subsection (a) that an officer authorized by the Secretary under section 311(b) of the Magnuson Act (16 U.S.C. 1861(b)) may take to enforce that Act (16 U.S.C. 1801 et seq.). The Secretary may, by agreement, on a reimbursable basis or otherwise, utilize the personnel, services, equipment (including aircraft and vessels), and facilities of any other Federal department or agency and of any agency of a State in carrying out that enforcement.

''(e) REGULATIONS.—The Secretary may issue regulations to implement this section.

''SEC. 6. CONTINUING STUDIES OF STRIPED BASS POPULATIONS.

''(a) IN GENERAL.—For the purposes of carrying out this Act, the Secretaries shall conduct continuing, comprehensive studies of Atlantic striped bass stocks. These studies shall include, but shall not be limited to, the following:

''(1) Annual stock assessments, using fishery-dependent and fishery-independent data, for the purposes of extending the long-term population record generated by the annual striped bass study conducted by the Secretaries before 1994 and understanding the population dynamics of Atlantic striped bass.

''(2) Investigations of the causes of fluctuations in Atlantic striped bass populations.

''(3) Investigations of the effects of water quality, land use, and other environmental factors on the recruitment, spawning potential, mortality, and abundance of Atlantic striped bass populations, including the Delaware River population.

''(4) Investigations of—

''(A) the interactions between Atlantic striped bass and other fish, including bluefish, menhaden, mackerel, and other forage fish or possible competitors, stock assessments of these species, to the extent appropriate; and

''(B) the effects of interspecies predation and competition on the recruitment, spawning potential mortality, and abundance of Atlantic striped bass.

''(b) REPORTS.—The Secretaries shall make biennial reports to the Congress and to the Commission concerning the progress and findings of studies conducted under subsection (a) and

shall make those reports public. Such reports shall, to the extent appropriate, contain recommendations of actions which could be taken to encourage the sustainable management of Atlantic striped bass.

"SEC. 7. AUTHORIZATION OF APPROPRIATIONS; COOPERATIVE AGREEMENTS.

''(a) AUTHORIZATION.—For each of fiscal years 1998, 1999, and 2000, there are authorized to be appropriated to carry out this Act—

''(1) $800,000 to the Secretary of Commerce; and

''(2) $250,000 to the Secretary of the Interior.

''(b) COOPERATIVE AGREEMENTS.—The Secretaries may enter into cooperative agreements with the Atlantic States Marine Fisheries Commission or with States, for the purpose of using amounts appropriated pursuant to this section to provide financial assistance for carrying out the purposes of this Act.

"SEC. 8. PUBLIC PARTICIPATION IN PREPARATION OF MANAGEMENT PLANS AND AMENDMENTS.

''(a) STANDARDS AND PROCEDURES.—In order to ensure the opportunity for public participation in the preparation of management plans and amendments to management plans for Atlantic striped bass, the Commission shall prepare such plans and amendments in accordance with the standards and procedures established under section 805(a)(2) of the Atlantic Coastal Fisheries Cooperative Management Act.

''(b) APPLICATION.—Subsection (a) shall apply to management plans and amendments adopted by the Commission after the 6-month period beginning on the date of enactment of the Atlantic Striped Bass Conservation Act Amendments of 1997.

"SEC. 9. PROTECTION OF STRIPED BASS IN THE EXCLUSIVE ECONOMIC ZONE.

''(a) REGULATION OF FISHING IN EXCLUSIVE ECONOMIC ZONE.—The Secretary shall promulgate regulations governing fishing for Atlantic striped bass in the exclusive economic zone that the Secretary determines are—

''(1) consistent with the national standards set forth in section 301 of the Magnuson Act (16 U.S.C. 1851);

''(2) compatible with the Plan and each Federal moratorium in effect on fishing for Atlantic striped bass within the coastal waters of a coastal State; and

''(3) sufficient to assure the long-term conservation of Atlantic striped bass populations.

''(b) CONSULTATION; PERIODIC REVIEW OF REGULATIONS.—In preparing regulations under subsection (a), the Secretary shall consult with the Atlantic States Marine Fisheries Commission, the appropriate Regional Fishery Management Councils, and each affected Federal, State, and local government entity. The Secretary shall periodically review regulations promulgated under subsection (a), and if necessary to ensure their continued consistency with the requirements of subsection (a), shall amend those regulations.

''(c) APPLICABILITY OF MAGNUSON ACT PROVISIONS.—The provisions of sections 307, 308, 309, 310, and 311 of the Magnuson Act (16 U.S.C. 1857, 1858, 1859, 1860, and 1861) regarding prohibited acts, civil penalties, criminal offenses, civil forfeitures, and enforcement shall apply with respect to regulations and any plan issued under subsection (a) of this section as if such regulations or plan were issued under the Magnuson Act.''.

SEC. 3. REPEALS.

(a) ANADROMOUS FISH CONSERVATION ACT.—Section 7 of the Anadromous Fish Conservation Act (16 U.S.C. 757g) is repealed.

(b) ALBEMARLE SOUND-ROANOKE RIVER BASIN.—Section 5 of the Act entitled ''An Act to authorize appropriations to carry out the Atlantic Striped Bass Conservation Act for fiscal years 1989 through 1991, and for other purposes'', approved November 3, 1988 (16 U.S.C. 1851 note; 102 Stat. 2984), relating to studies of the Albermarle Sound-Roanoke River Basin striped bass stock, is repealed.

(c) REGULATION OF FISHING IN EXCLUSIVE ECONOMIC ZONE.—Section 6 of the Act entitled ''An Act to authorize appropriations to carry out the Atlantic Striped Bass Conservation Act for fiscal years 1989 through 1991, and for other purposes'', approved November 3, 1988 (102 Stat. 2986; 16 U.S.C. 1851 note) is repealed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. PETERSON] and the gentleman from New Jersey [Mr. PALLONE] each will control 20 minutes.

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

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

Mr. Speaker, I rise to speak in support of H.R. 1658, a bill to reauthorize the Atlantic Striped Bass Conservation Act.

The Striped Bass Act is one of the few true success stories in fisheries management. It was enacted in 1984, several years after the Atlantic coast stock of striped bass suffered a severe population crash. The Striped Bass Act provided a means of enforcing a single interstate management plan throughout the eastern seaboard, which allowed fisheries managers to take the action needed to save the fishery from extinction.

Over the last 13 years, this program has succeeded beyond any expectations. In 1984, the outlook was truly bleak for striped bass and the fishermen who depend on them. Now stripers are as abundant as they have ever been. They stand as a rare example of how to bring an irreplaceable recreational and commercial resource back from the brink of disaster.

This bill before us today would continue this successful restoration program. It would reauthorize the Striped Bass Act and continue the striped bass study which started in 1980 and has provided information necessary to make good management decisions. The restoration program would not have been nearly as successful without these studies. We must continue gathering the best information possible to protect the gains that we have made.

In addition, this bill makes technical corrections to the Striped Bass Act to make it consistent with the Atlantic States Cooperative Fisheries Management Act. It also provides for greater public input into the writing of striped bass management plans.

H.R. 1658 will ensure that the successful striped bass management program continues into the future. I urge all my colleagues to join me in supporting it.

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

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

I rise today in support of this legislation. Mr. Speaker, the striped bass fishery is one of the most important fisheries for marine recreational anglers. The fishery extends north from Cape Hatteras to Maine. In 1995, over 1 million anglers made almost 7 million trips and nearly spent $160 million in pursuit of this fish.

For the last three decades Atlantic striped bass stocks have been declining due to overfishing, pollution, habitat destruction, and other factors. Fishermen and managers alike were concerned that the fishery would soon become an endangered species.

Recently, however, the Atlantic striped bass stocks have grown and are slowly returning to their previous abundance. Many Atlantic coast States have recognized the significance of this growth and understand the pressure that commercial fishing interests may have on commercial breeding stocks. In response, States such as New Jersey, Connecticut, Pennsylvania, Georgia, and several others have passed game fish laws or have prohibited Atlantic striped bass commercial angling.

The enactment of the Striped Bass Conservation Act or the Striped Bass Act, which was passed in 1984, has authorized an annual study population assessment of striped bass stocks to be done with the NMFS and the U.S. Fish and Wildlife Service. It was enacted to encourage coastal States to comply with interstate management plans developed by the Atlantic States Marine Fisheries Commission to conserve striped bass populations. Unfortunately, Mr. Speaker, the last study that was actually done on striped bass was in 1994.

Mr. Speaker, when this bill had a hearing, when we had a field hearing of the Subcommittee on Fisheries Conservation, Wildlife, and Oceans in Manahawkin, NJ, a few months ago, many spoke out about the effects of environmental changes and interspecies competition on striped bass populations. I think support of this legislation would allow us to better understand striped bass stock and design management plans that not only benefit the stock, but also the striped bass fishing community.

I also want to commend the sponsor of the bill, my colleague the gentleman from New Jersey [Mr. SAXTON], because the bill increases public participation in the preparation of striped bass management plans.

Today, the implementation of the Federal-State partnership embodied in the Striped Bass Act has restored the striper to its former glory as one of the most important sport and commercial fisheries on the east coast. It is clear evidence that conservation can work. And knowing the importance of this fishery to American anglers, I would urge Members of this body, my colleagues, to support the legislation and reauthorize the appropriations for the annual striped bass study.

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

Mr. PALLONE. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. DELAHUNT].

Mr. DELAHUNT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, for some of us the conservation of a threatened species such as striped bass is more than a legislative priority. Last weekend I took part in the annual striped bass tournament on Martha's Vineyard, in my congressional district. I was led by some exceptionally talented surf casters to Lobsterville Beach, where we fished for stripers until midnight.

As for results, let us just say I did not win the tournament. In fact, let us just say I did not land a single fish. My partners concluded that this must be part of my own personal plan to help save striped bass.

We can achieve this important objective, however, without doing it one fish at a time. I rise today in support of legislation which will help ensure the continued health of striped bass stocks from Maine to South Carolina, and hopefully will increase my own chances for the next tournament on Martha's Vineyard, or anywhere, for that matter.

When my predecessor, Gerry Studds, first introduced the Striped Bass Conservation Act in 1984, the species had been battered by pollution and overfishing. Harvests had plummeted so far, so fast, by over 10 million pounds over the preceding 10 years, that there was legitimate fear that the future of the species was clearly in danger.

If the problem was clear, the solution was not. The striped bass are highly migratory and move primarily along the 3-mile coastal zone which is under the combined jurisdictions of 12 States and the District of Columbia. Balancing the needs of the fish, the fishermen, and regulators, Congressman Studds and his colleagues created a unique and, as it turned out, highly effective scheme to bolster State management efforts to restore the stock.

□ 1530

By all measures, the results of this cooperation among the States and between the State and Federal Government has been astonishingly successful. Today the fish are found in record numbers up and down the coast, and all the people involved are still talking courteously to each other.

The Federal-State partnership embodied in the Striped Bass Act has restored the species to its former considerable glory as one of the most important sport and commercial fisheries on the east coast. We have demonstrated to fishermen and fisheries managers alike that conservation, if properly conceived and sensibly executed, can work.

H.R. 1658 will ensure that we stay the course that has nursed this fishery back to health and that, given enough time, encouragement and good bait, even Members of Congress might one day experience the thrill of hooking one of these spectacular fish.

Mr. SAXTON. Mr. Speaker, today we are considering H.R. 1658, the Atlantic Striped Bass Conservation Act Amendments of 1997.

I have stood here many times to speak about striped bass and the Atlantic Striped Bass Conservation Act. In fact, I represent many Atlantic striped bass. Young stripers live the first part of their lives in the Delaware River, at one end of the third district of New Jersey. When they grow up, they inhabit the bays, inlets, and coastal waters at the other end of the district.

My other constituents who are recreational fishermen consider striped bass one of the premier saltwater game fish on the east coast. They support a large industry of charter boats, bait, and tackle shops, and other businesses, not only in New Jersey but all along the Altantic coast. In other east coast States, striped bass also support a significant commercial fishery.

The larger importance of striped bass is that they nearly disappeared 20 years ago. In the late 1970's, heavy fishing pressure and inconsistent State management policies coincided with pollution and other environmental factors to cause a serious population crash. This devastated the commercial fishery and nearly wiped out the species as a game fish. Congress responded by enacting the Atlantic Striped Bass Conservation Act, which enforced a single management plan throughout all the east coast States. This allowed fisheries managers to take the action that was needed to end overfishing and restore the population.

Over the last 13 years, this program has succeeded beyond any expectations. In 1984, the outlook for striped bass was bleak. Now, they are as abundant as they have ever been. Striped bass are one of the few true success stories in fisheries management, and stand as an example of how conservative, forward-looking management can bring an irreplaceable resource back from disaster.

H.R. 1658 would continue this successful program. It updates the objectives of the Striped Bass Act to reflect the current state of the fishery. It makes technical corrections to increase consistency with the Atlantic States Cooperative Fisheries Management Act, which governs other coastal fisheries. It increases public input into striped bass management plans. Most important, it reauthorizes the annual striped bass study. This study started in 1980 and provides the information that fisheries managers need to make good management decisions.

Without these studies, the restoration program would have been much less successful. Likewise, a shortage of information will compromise future management efforts. We need the best information possible to protect the gains that we have made. Only a commitment to careful study and conservative management can ensure that striped bass will remain a livelihood for commercial fishermen, a thrill for anglers, and a common sight in east coast waters well into the future.

Mr. Speaker, this bill will continue an extremely successful program. I urge you and all other members to support it.

Mr. YOUNG of Alaska. Mr. Speaker, I am pleased to rise in support of the Striped Bass Conservation Act Amendments, and I compliment the author of the bill, JIM SAXTON, for his continued efforts to move this legislation.

The Atlantic coast stock of striped bass are found in waters from North Carolina to Maine. They are highly migratory but move primarily along the coast within the 3-mile zone, which is subject to State fishery management.

While striped bass populations have fluctuated dramatically in the past, the population suffered a drastic decline in the 1970's. Striped bass harvests plummeted from 15 million pounds in 1973 to 3.5 million pounds in 1983.

In response to this serious problem, Congress approved an emergency striped bass study and the Atlantic Striped Bass Conservation Act of 1984. This law requires all affected coastal States to implement management measures to conserve and protect Atlantic striped bass stocks.

After 15 years of careful management, the striped bass population has fully recovered to pre-decline levels. This is a major fishery management success. H.R. 1658 will ensure that this remarkable recovery is not compromised in the days ahead.

As reported by the Resources Committee, this legislation reauthorizes the study provisions of the Striped Bass Act and related laws, makes technical changes to increase consistency with other fishery conservation laws, and encourages greater public participation in the writing of management plans.

Mr. Speaker, I hope more of our fishery management efforts prove to be this successful in the future. I urge an "aye" vote on H.R. 1658.

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

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

The SPEAKER pro tempore (Mr. GOODLING). The question is on the motion offered by the gentleman from Pennsylvania [Mr. PETERSON] that the House suspend the rules and pass the bill, H.R. 1658, as amended.

The question was taken.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. PETERSON of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1658, the bill just considered.

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

There was no objection.

CODIFYING LAWS RELATED TO TRANSPORTATION

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1086) to codify without substantive change laws related to transportation and to improve the United States Code, as amended.

The Clerk read as follows:

H.R. 1086

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

SECTION 1. TITLE 26, INTERNAL REVENUE CODE OF 1986.

Section 9503(e)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9503(e)(3)) is amended by striking ''such Acts are in effect'' and all that follows through the end of the paragraph and substituting ''section 5338 (a)(1) or (b)(1) and the Intermodal Surface Transportation Efficiency Act of 1991 were in effect on December 18, 1991''.

SECTION 2. TITLE 49, UNITED STATES CODE.

Title 49, United States Code, is amended as follows:

(1) In the item related to subchapter I in the analysis for chapter 5, strike—

''DUTIES AND''.

(2) In the heading for subchapter I of chapter 5, strike—

''AND''.

(3) In section 5108(f), strike ''section 522(f)'' and substitute ''section 552(b)''.

(4) Section 5303(c) is amended as follows:

(A) In paragraph (1), insert ''and sections 5304–5306 of this title'' after ''this section''.

(B) In paragraph (4)(A), strike ''paragraph (3)'' and substitute ''paragraph (5)''.

(C) In paragraph (5)(A), insert ''and sections 5304–5306 of this title'' after this section''.

(5) In item 155 in the subtitle analysis for subtitle IV, strike ''AND TARIFFS''.

(6) In section 11904(a)(2), strike ''a person'' and substitute ''person''.

(7) In section 11906, strike ''of this title'' and substitute ''of this part''.

(8) In section 13506(a)(5), strike ''1141j(a))'' and substitute ''1141j(a)))''.

(9) In section 13703(a)(2), strike ''subsection (a)'' and substitute ''paragraph (1)''.

(10) In section 13905(e)(1), strike ''31144,'' and substitute ''31144''.

(11) In section 14123(c)(2)(B), insert ''in'' before ''no event''.

(12) In section 14903(a), insert ''a'' before ''civil penalty of not more than''.

(13) In section 15101(a), strike ''oversee of'' and substitute ''oversee''.

(14) In the item related to section 15904 in the analysis for chapter 159, strike ''certain'' and substitute ''pipeline''.

(15) In section 15904(c)(1), strike ''section 11501(b)'' and substitute ''15901(b)''.

(16) In section 16101, redesignate subsection (d) as (c).

(17) In item 305 in the subtitle analysis for subtitle VI, strike ''NATIONAL AUTOMOBILE TITLE INFORMATION SYSTEM'' and substitute ''NATIONAL MOTOR VEHICLE TITLE INFORMATION SYSTEM''.

(18) In section 30305(b)—

(A) in paragraph (8), as redesignated by section 207(b) of the Coast Guard Authorization Act of 1996 (Public Law 104–324, 110 Stat. 3908), strike ''paragraph (2)'' and substitute ''subsection (a) of this section''; and

(B) redesignate paragraph (8), as redesignated by section 502(b)(1) of the Federal Aviation Reauthorization Act of 1996 (Public Law 104–264, 110 Stat. 3262), as paragraph (9).

(19) In section 32706(c), strike ''subchapter II of chapter 105'' and substitute ''subchapter I of chapter 135''.

(20) In the analysis of subtitle VII, strike the item related to part D and substitute

''PART D—PUBLIC AIRPORTS

''491. METROPOLITAN WASHINGTON AIRPORTS ..... 49101''.

(21) In the item related to section 41502 in the analysis for chapter 415, strike ''common''.

(22) The catchline for section 41502 is amended by striking ''common''.

(23) In section 41713(b)(4)(B)(ii), strike ''10102'' and substitute ''13102''.

(24) In section 41714(d)(1), strike ''sections 6005(c)(5) and 6009(e) of the Metropolitan Washington Airports Act of 1986'' and substitute ''sections 49104(a)(5) and 49111(e) of this title''.

(25) In section 44936(f)(1)(C), strike ''section 30305(b)(7)'' and substitute ''section 30305(b)(8) of this title''.

(26) Insert after part C of subtitle VII the following:

''PART D—PUBLIC AIRPORTS

''CHAPTER 491—METROPOLITAN WASHINGTON AIRPORTS

''Sec.
''49101. Findings.
''49102. Purpose.
''49103. Definitions.
''49104. Lease of Metropolitan Washington Airports.
''49105. Capital improvements, construction, and rehabilitation.
''49106. Metropolitan Washington Airports Authority.
''49107. Federal employees at Metropolitan Washington Airports.
''49108. Limitations.
''49109. Nonstop flights.
''49110. Use of Dulles Airport Access Highway.
''49111. Relationship to and effect of other laws.
''49112. Separability and effect of judicial order.

''§ 49101. Findings

''Congress finds that—

''(1) the 2 federally owned airports in the metropolitan area of the District of Columbia constitute an important and growing part of the commerce, transportation, and economic patterns of Virginia, the District of Columbia, and the surrounding region;

''(2) Baltimore/Washington International Airport, owned and operated by Maryland, is an air transportation facility that provides service to the greater Metropolitan Washington region together with the 2 federally owned airports, and timely Federal-aid grants to Baltimore/Washington International Airport will provide additional capacity to meet the growing air traffic needs and to compete with other airports on a fair basis;

''(3) the United States Government has a continuing but limited interest in the operation of the 2 federally owned airports, which serve the travel and cargo needs of the entire Metropolitan Washington region as well as the District of Columbia as the national seat of government;

''(4) operation of the Metropolitan Washington Airports by an independent local authority will facilitate timely improvements at both airports to meet the growing demand of interstate air transportation occasioned by the Airline Deregulation Act of 1978 (Public Law 95–504; 92 Stat. 1705);

''(5) all other major air carrier airports in the United States are operated by public entities at the State, regional, or local level;

''(6) any change in status of the 2 airports must take into account the interest of nearby communities, the traveling public, air carriers, general aviation, airport employees, and other interested groups, as well as the interests of the United States Government and State governments involved;

''(7) in recognition of a perceived limited need for a Federal role in the management of these airports and the growing local interest, the Secretary of Transportation has recommended a transfer of authority from the Federal to the local/State level that is consistent with the management of major airports elsewhere in the United States;

''(8) an operating authority with representation from local jurisdictions, similar to authorities at all major airports in the United States, will improve communications with local officials and concerned residents regarding noise at the Metropolitan Washington Airports;

''(9) a commission of congressional, State, and local officials and aviation representatives has recommended to the Secretary that transfer of the federally owned airports be as a unit to an independent authority to be created by Virginia and the District of Columbia; and

''(10) the Federal interest in these airports can be provided through a lease mechanism which provides for local control and operation.

''§ 49102. Purpose

''(a) GENERAL.—The purpose of this chapter is to authorize the transfer of operating responsibility under long-term lease of the 2 Metropolitan Washington Airport properties as a unit, including access highways and other related facilities, to a properly constituted independent airport authority created by Virginia and the District of Columbia, in order to achieve local control, management, operation, and development of these important transportation assets.

''(b) INCLUSION OF BALTIMORE/WASHINGTON INTERNATIONAL AIRPORT NOT PRECLUDED.—This chapter does not prohibit the Airports Authority and Maryland from making an agreement to make Baltimore/Washington International Airport part of a regional airports authority, subject to terms agreed to by the Airports Authority, the Secretary of Transportation, Virginia, the District of Columbia, and Maryland.

§ 49103. Definitions

''In this chapter—

''(1) 'Airports Authority' means the Metropolitan Washington Airports Authority, a public authority created by Virginia and the District of Columbia consistent with the requirements of section 49106 of this title.

''(2) 'employee' means any permanent Federal Aviation Administration personnel employed by the Metropolitan Washington Airports on June 7, 1987.

''(3) 'Metropolitan Washington Airports' means Washington National Airport and Washington Dulles International Airport.

''(4) 'Washington Dulles International Airport' means the airport constructed under the Act of September 7, 1950 (ch. 905, 64 Stat. 770), and includes the Dulles Airport Access Highway and Right-of-way, including the extension between Interstate Routes I–495 and I–66.

''(5) 'Washington National Airport' means the airport described in the Act of June 29, 1940 (ch. 444, 54 Stat. 686).

''§ 49104. Lease of Metropolitan Washington Airports

''(a) GENERAL.—The lease between the Secretary of Transportation and the Metropolitan Washington Airports Authority under section 6005(a) of the Metropolitan Washington Airports Authority under section 6005(a) of the Metropolitan Washington Airports Act of 1986 (Public Law 99–500, 100 Stat. 1783–375, Public Law 99–591, 100 Stat. 3341–378), for the Metropolitan Washington Airports must provide during its 50-year term at least the following:

''(1) The Airports Authority shall operate, maintain, protect, promote, and develop the Metropolitan Washington Airports as a unit and as primary airports serving the Metropolitan Washington area.

''(2)(A) In this paragraph, 'airport purposes' means a use of property interests (except a sale) for—

''(i) aviation business or activities;

''(ii) activities necessary or appropriate to serve passengers or cargo in air commerce; or

''(iii) nonprofit, public use facilities that are not inconsistent with the needs of aviation.

''(B) During the period of the lease, the real property constituting the Metropolitan Washington Airports shall be used only for airport purposes.

''(C) If the Secretary decides that any part of the real property leased to the Airports Authority under this chapter is used for other than airport purposes, the Secretary shall—

''(i) direct that the Airports Authority take appropriate measures to have that part of the property be used for airport purposes; and

''(ii) retake possession of the property if the Airports Authority fails to have that part of the property be used for airport purposes within a reasonable period of time, as the Secretary decides.

''(3) The Airports Authority is subject to section 47107 (a)–(c) and (e) of this title and to the assurances and conditions required of grant recipients under the Airport and Airway Improvement Act of 1982 (Public Law 97–248, 96 Stat. 671) as in effect on June 7, 1987. Notwithstanding section 47107(b) of this title, all revenues generated by the Metropolitan Washington Airports shall be expended for the capital and operating costs of the Metropolitan Washington Airports.

''(4) In acquiring by contract supplies or services for an amount estimated to be more than $200,000, or awarding concession contracts, the Airports Authority to the maximum extent practicable shall obtain complete and open competition through the use of published competitive procedures. By a vote of 7 members, the Airports Authority may grant exceptions to the requirements of this paragraph.

''(5)(A) Except as provided in subparagraph (B) of this paragraph, all regulations of the Metropolitan Washington Airports (14 C.F.R. part 159) become regulations of the Airports Authority as of June 7, 1987, and remain in effect until modified or revoked by the Airports Authority under procedures of the Airports Authority.

''(B) Sections 159.59(a) and 159.191 of title 14, Code of Federal Regulations, do not become regulations of the Airports Authority.

''(C) The Airports Authority may not increase or decrease the number of instrument flight rule takeoffs and landings authorized by the High Density Rule (14 C.F.R. 93.121 et seq.) at Washington National Airport on October 18, 1986, and may not impose a limitation on the number of passengers taking off or landing at Washington National Airport.

''(6)(A) Except as specified in subparagraph (B) of this paragraph, the Airports Authority shall assume all rights, liabilities, and obligations of the Metropolitan Washington Airports on June 7, 1987, including leases, permits, licenses, contracts, agreements, claims, tariffs, accounts receivable, accounts payable, and litigation related to those rights and obligations, regardless whether judgment has been entered, damages awarded, or appeal taken. The Airports Authority must cooperate in allowing representatives of the Attorney General and the Secretary adequate access to employees and records when needed for the performance of duties and powers related to the period before June 7, 1987. The Airports Authority shall assume responsibility for the Federal Aviation Administration's Master Plans for the Metropolitan Washington Airports.

''(B) The procedure for disputes resolution contained in any contract entered into on behalf of the United States Government before June 7, 1987, continues to govern the performance of the contract unless otherwise agreed to by the parties to the contract. Claims for monetary damages founded in tort, by or against the Government as the owner and operator of the Metropolitan Washington Airports, arising before June 7, 1987, shall be adjudicated as if the lease had not been entered into.

''(C) The Administration is responsible for reimbursing the Employees' Compensation Fund, as provided in section 8147 of title 5, for compensation paid or payable after June 7, 1987, in accordance with chapter 81 of title 5 for any injury, disability, or death due to events arising before June 7, 1987, whether or not a claim was filed or was final on that date.

''(D) The Airports Authority shall continue all collective bargaining rights enjoyed by employees of the Metropolitan Washington Airports before June 7, 1987.

''(7) The Comptroller General may conduct periodic audits of the activities and transactions of the Airports Authority in accordance with generally accepted management principles, and under regulations the Comptroller General may prescribe. An audit shall be conducted where the Comptroller General considers it appropriate. All records and property of the Airports Authority shall remain in possession and custody of the Airports Authority.

''(8) The Airports Authority shall develop a code of ethics and financial disclosure to ensure the integrity of all decisions made by its board of directors and employees. The code shall include standards by which members of the board will decide, for purposes of section 49106(d) of this title, what constitutes a substantial financial interest and the circumstances under which an exception to the conflict of interest prohibition may be granted.

''(9) A landing fee imposed for operating an aircraft or revenues derived from parking automobiles—

''(A) at Washington Dulles International Airport may not be used for maintenance or operating expenses (excluding debt service, depreciation, and amortization) at Washington National Airport; and

''(B) at Washington National Airport may not be used for maintenance or operating expenses (excluding debt service, depreciation, and amortization) at Washington Dulles International Airport.

''(10) The Airports Authority shall compute the fees and charges for landing general aviation aircraft at the Metropolitan Washington Airports on the same basis as the landing fees for air carrier aircraft, except that the Airports Authority may require a minimum landing fee that is not more than the landing fee for aircraft weighing 12,500 pounds.

''(11) The Secretary shall include other terms applicable to the parties to the lease that are consistent with, and carry out, this chapter.

''(b) PAYMENTS.—Under the lease, the Airports Authority must pay to the general fund of the Treasury annually an amount, computed using the GNP Price Deflator, equal to $3,000,000 in 1987 dollars. The Secretary and the Airports Authority may renegotiate the level of lease payments attributable to inflation costs every 10 years.

''(c) ENFORCEMENT OF LEASE PROVISIONS.—The district courts of the United States have jurisdiction to compel the Airports Authority and its officers and employees to comply with the terms of the lease. The Attorney General or an aggrieved party may bring an action on behalf of the Government.

''(d) EXTENSION OF LEASE.—The Secretary and the Airports Authority may at any time negotiate an extension of the lease.

''§ 49105. Capital improvements, construction, and rehabilitation

''(a) SENSE OF CONGRESS.—It is the sense of Congress that the Metropolitan Washington Airports Authority—

''(1) should pursue the improvement, construction, and rehabilitation of the facilities at Washington Dulles International Airport and Washington National Airport simultaneously; and

''(2) to the extent practicable, should cause the improvement, construction, and rehabilitation proposed by the Secretary of Transportation to be completed at Washington Dulles International Airport and Washington National Airport within 5 years after March 30, 1988.

''(b) SECRETARY'S ASSISTANCE.—The Secretary shall assist the 3 airports serving the District of Columbia metropolitan area in planning for operational and capital improvements at those airports and shall accelerate consideration of applications for United States Government financial assistance by whichever of the 3 airports is most in need of increasing airside capacity.

''§ 49106. Metropolitan Washington Airports Authority

''(a) STATUS.—The Metropolitan Washington Airports Authority shall be—

''(1) a public body corporate and politic with the powers and jurisdiction—

''(A) conferred upon it jointly by the legislative authority of Virginia and the District of Columbia or by either of them and concurred in by the legislative authority of the other jurisdiction; and

''(B) that at least meet the specifications of this section and section 49108 of this title;

''(2) independent of Virginia and its local governments, the District of Columbia, and the United States Government; and

''(3) a political subdivision constituted only to operate and improve the Metropolitan Washington Airports as primary airports serving the Metropolitan Washington area.

''(b) GENERAL AUTHORITY.—(1) The Airports Authority shall be authorized—

''(A) to acquire, maintain, improve, operate, protect, and promote the Metropolitan Washington Airports for public purposes;

''(B) to issue bonds from time to time in its discretion for public purposes, including paying any part of the cost of airport improvements, construction, and rehabilitation and the acquisition of real and personal property, including operating equipment for the airports;

''(C) to acquire real and personal property by purchase, lease, transfer, or exchange;

''(D) to exercise the powers of eminent domain in Virginia that are conferred on it by Virginia;

''(E) to levy fees or other charges; and

''(F) to make and maintain agreements with employee organizations to the extent that the Federal Aviation Administration was authorized to do so on October 18, 1996.

''(2) Bonds issued under paragraph (1)(B) of this subsection—

''(A) are not a debt of Virginia, the District of Columbia, or a political subdivision of Virginia or the District of Columbia; and

''(B) may be secured by the Airports Authority's revenues generally, or exclusively from the income and revenues of certain designated projects whether or not any part of the projects are financed from the proceeds of the bonds.

''(c) BOARD OF DIRECTORS.—(1) The Airports Authority shall be governed by a board of directors composed of the following 13 members:

''(A) 5 members appointed by the Governor of Virginia;

''(B) 3 members appointed by the Mayor of the District of Columbia;

''(C) 2 members appointed by the Governor of Maryland; and

''(D) 3 members appointed by the President with the advice and consent of the Senate.

''(2) The Chairman of the board shall be appointed from among the members by majority vote of the members and shall serve until replaced by majority vote of the members.

''(3) Members of the board shall be appointed by the board for 6 years, except that of the members first appointed by the President after October 9, 1996, one shall be appointed for 4 years. A member may serve after the expiration of that member's term until a successor has taken office.

''(4) A member of the board—

''(A) may not hold elective or appointive political office;

''(B) serves without compensation except for reasonable expenses incident to board functions; and

''(C) must reside within the Washington Standard Metropolitan Statistical Area, except that a member of the board appointed by the President must be a registered voter of a State other than Maryland, Virginia, or the District of Columbia.

''(5) A vacancy in the board shall be filled in the manner in which the original appointment was made. A member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term.

''(6)(A) Not more than 2 of the members of the board appointed by the President may be of the same political party.

''(B) In carrying out their duties on the board, members appointed by the President shall

ensure that adequate consideration is given to the national interest.

''(C) The members to be appointed under paragraph (1)(D) of this subsection must be appointed before October 1, 1997. If the deadline is not met, the Secretary of Transportation and the Airport Authority are subject to the limitations of section 49108 of this title until all members referred to in paragraph (1)(D) are appointed.

''(D) A member appointed by the President may be removed by the President for cause.

''(7) Eight votes are required to approve bond issues and the annual budget.

''(d) CONFLICTS OF INTEREST.—Members of the board and their immediate families may not be employed by or otherwise hold a substantial financial interest in any enterprise that has or is seeking a contract or agreement with the Airports Authority or is an aeronautical, aviation services, or airport services enterprise that otherwise has interests that can be directly affected by the Airports Authority. The official appointing a member may make an exception if the financial interest is completely disclosed when the member is appointed and the member does not participate in board decisions that directly affect the interest.

''(e) CERTAIN ACTIONS TO BE TAKEN BY REGULATION.—An action of the Airports Authority changing, or having the effect of changing, the hours of operation of, or the type of aircraft serving, either of the Metropolitan Washington Airports may be taken only by regulation of the Airports Authority.

''(f) ADMINISTRATIVE.—To assist the Secretary in carrying out this chapter, the Secretary may hire 2 staff individuals to be paid by the Airports Authority. The Airports Authority shall provide clerical and support staff that the Secretary may require.

''(g) REVIEW OF CONTRACTING PROCEDURES.—The Comptroller General shall review contracts of the Airports Authority to decide whether the contracts were awarded by procedures that follow sound Government contracting principles and comply with section 49104(a)(4) of this title. The Comptroller General shall submit periodic reports of the conclusions reached as a result of the review to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

''§ 49107. Federal employees at Metropolitan Washington Airports

''(a) LABOR AGREEMENTS.—The Metropolitan Washington Airports Authority shall adopt all labor agreements that were in effect on June 7, 1987. Unless the parties otherwise agree, the agreements must be renegotiated before June 7, 1992.

''(2) Employee protection arrangements made under this section shall ensure, during the 50-year lease term, the continuation of all collective bargaining rights enjoyed by transferred employees retained by the Airports Authority.

''(b) CIVIL SERVICE RETIREMENT.—Any Federal employee who transferred to the Airports Authority and who on June 6, 1987, was subject to subchapter III of chapter 83 or chapter 84 of title 5, is subject to subchapter II of chapter 83 or chapter 84 for so long as continually employed by the Airports Authority without a break in service. For purposes of subchapter III of chapter 83 and chapter 84, employment by the Airports Authority without a break in continuity of service is deemed to be employment by the United States Government. The Airports Authority is the employing agency for purposes of subchapter III of chapter 83 and chapter 84 and shall contribute to the Civil Service Retirement and Disability Fund amounts required by subchapter III of chapter 83 and chapter 84.

''(c) ACCESS TO RECORDS.—The Airports Authority shall allow representatives of the Secretary of Transportation adequate access to employees and employee records of the Airports Authority when needed to carry out a duty or power related to the period before June 7, 1987. The Secretary shall provide the Airports Authority access to employee records of transferring employees for appropriate purposes.

''§ 49108. Limitations

''After October 1, 2001, the Secretary of Transportation may not approve an application of the Metropolitan Washington Airports Authority—

''(1) for an airport development project grant under subchapter I of chapter 471 of this title; or

''(2) to impose a passenger facility fee under section 40117 of this title.

''§ 49109. Nonstop flights

''An air carrier may not operate an aircraft nonstop in air transportation between Washington National Airport and another airport that is more than 1,250 statute miles away from Washington National Airport.

§ 49110. Use of Dulles Airport Access Highway

''The Metropolitan Washington Airports Authority shall continue in effect and enforce section 4.2 (1) and (2) of the Metropolitan Washington Airports Regulations, as in effect on February 1, 1995. The district courts of the United States have jurisdiction to compel the Airports Authority and its officers and employees to comply with this section. The Attorney General or an aggrieved party may bring an action on behalf of the United States Government.

''§ 49111. Relationship to and effect of other laws

''(a) SAME POWERS AND RESTRICTIONS UNDER OTHER LAWS.—To ensure that the Metropolitan Washington Airports Authority has the same proprietary powers and is subject to the same restrictions under United States law as any other airport except as otherwise provided in this chapter, during the period that the lease authorized by section 6005 of the Metropolitan Washington Airports Act of 1986 (Public Law 99–500, 100 Stat. 1783–375, Public Law 99–591, 100 Stat. 3341–378) is in effect—

''(1) the Metropolitan Washington Airports are deemed to be public airports for purposes of chapter 471 of this title; and

''(2) the Act of June 29, 1940 (ch. 444, 54 Stat. 686), the First Supplemental Civil Functions Appropriations Act, 1941 (ch. 780, 54 Stat. 1030), and the Act of September 7, 1950 (ch. 905, 64 Stat. 770), do not apply to the operation of the Metropolitan Washington Airports, and the Secretary of Transportation is relieved of all responsibility under those Acts.

''(b) INAPPLICABILITY OF CERTAIN LAWS.—The Metropolitan Washington Airports and the Airport Authority are not subject to the requirements of any law solely by reason of the retention of the United States Government of the fee simple title to those airports.

''(c) POLICE POWER.—Virginia shall have concurrent police power authority over the Metropolitan Washington Airports, and the courts of Virginia may exercise jurisdiction over Washington National Airport.

''(d) PLANNING.—(1) The authority of the National Capital Planning Commission under section 5 of the Act of June 6, 1924 (40 U.S.C. 71d), does not apply to the Airports Authority.

''(2) The Airports Authority shall consult with—

''(A) the Commission and the Advisory Council on Historic Preservation before undertaking any major alterations to the exterior of the main terminal at Washington Dulles International Airport; and

''(B) the Commission before undertaking development that would alter the skyline of Washington National Airport when viewed from the opposing shoreline of the Potomac River or from the George Washington Parkway.

''(e) OPERATION LIMITATIONS.—The Administrator of the Federal Aviation Administration may not increase the number of instrument flight rule takeoffs and landings authorized for air carriers by the High Density Rule (14 C.F.R. 93.121 et seq.) at Washington National Airport on October 18, 1986, and may not decrease the number of those takeoffs and landings except for reasons of safety.

''§ 49112. Separability and effect of judicial order

''(a) SEPARABILITY.—If any provision of this chapter, or the application of a provision of this chapter to a person or circumstance, is held invalid, the remainder of this chapter and the application of the provision to other persons or circumstances is not affected.

''(b) EFFECT OF JUDICIAL ORDER.—(1) If any provision of the Metropolitan Washington Airports Amendments Act of 1996 (title IX of Public Law 104–264, 110 Stat. 3274) or the amendments made by the Act, or the application of that provision to a person, circumstance, or venue, is held invalid by a judicial order, the Secretary of Transportation and the Metropolitan Washington Airports Authority shall be subject to section 49108 of this title from the day after the day the order is issued.

''(2) Any action of the Airports Authority that was required to be submitted to the Board of Review under section 6007(f)(4) of the Metropolitan Washington Airports Act of 1986 (Public Law 99–500, 100 Stat. 1783–380, Public Law 99–599, 100 Stat. 3341–383) before October 9, 1996, remains in effect and may not be set aside only because of a judicial order invalidating certain functions of the Board.''.

SECTION. 3. TECHNICAL CHANGES TO OTHER LAWS.

(a) Effective November 15, 1995, section 333(a)(1) and (2) of the Department of Transportation and Related Agencies Appropriations Act, 1996 (Public Law 104–50, 109 Stat. 457) is amended to read as follows:

''(1) in subparagraph (B) 'that extends the economic life of a bus for at least 5 years'; and

''(2) in subparagraph (C), 'that extends the economic life of a bus for at least 8 years'.''.

(b) Effective July 2, 1996, section 2(c) of the Anti-Car Theft Improvements Act of 1996 (Public Law 104–152, 110 Stat. 1384) is amended by striking ''sections 30502 and 30503'' and substituting ''sections 30501(6), 30502, 30503, and 30504(a)(1)''.

(c) Effective October 9, 1996, the Federal Aviation Reauthorization Act of 1996 (Public Law 104–264, 110 Stat. 3213) is amended as follows:

(1) Section 123 is amended as follows:

(A) Subsection (b)(6) is amended to read as follows:

''(6) in subparagraph (B), as so redesignated, by striking 'at least 2.25' and all that follows through '1996,' and inserting 'at least 4 percent for each of fiscal years 1997 and 1998'; and''.

(B) Add at the end the following:

''(d) CONFORMING CROSS-REFERENCE.—Section 47117(e)(1)(A), as redesignated by subsection (b)(3) of this section, is amended by striking '47504(c)(1)' and substituting '47504(c)'.''.

(2) Section 124 is amended by striking subsection (d).

(3) Section 276 is amended by adding at the end the following:

''(c) CONFORMING CROSS-REFERENCE.—Section 106(g)(1)(A) is amended by striking '45302, 45303' and substituting '45302–45304'.''.

(4) Sections 502(c) and 1220(b) are repealed.

(d) Effective October 11, 1996—

(1) Section 5 of the Act of October 11, 1996 (Public Law 104–287, 110 Stat. 3388), is amended as follows:

(A) In clause (45)(A), strike ''ENFORCEMENT,'' and substitute ''ENFORCEMENT:''

(B) Clause (69) is amended to read as follows:

''(69)(A) Add at the end of chapter 401 the following:

'§ 40124. Interstate agreements for airport facilities

'Congress consents to a State making an agreement, not in conflict with a law of the United States, with another State to develop or operate an airport facility.'.

'(B) In the analysis for chapter 401, add at the end the following:

'40124. Interstate agreements for airport facilities.'.''.

(C) Clause (76) is repealed.

(D) Clause (79) is amended to read as follows:

''(79) In section 46316(b), strike 'and sections 44701 (a) and (b), 44702–44716, 44901, 44903 (b) and (c), 44905, 44906, 44912–44915, and 44932–44938' and substitute 'chapter 447 (except section 44718(a)), and chapter 449 (except sections 44902, 44903(d), 44904, and 44907–44909)'.''.

(E) (84) is repealed.

(2) Section 8 of the Act of October 11, 1996 (Public Law 104–287, 110 Stat. 3400), is amended as follows:

(A) In paragraph (1), strike ''(77), (78)'' and substitute ''(77)–(79)''.

(B) Paragraph (2) is amended to read as follows:

''(2) The amendments made by section 5(81)(B), (82)(A), and (83)(A) shall take effect on September 30, 1998.''.

(e) The General Aviation Revitalization Act of 1994 (Public Law 103–298, 108 Stat. 1552) is amended as follows:

(1) In section 2(c), strike ''the Federal Aviation Act of 1958 (49 U.S.C. App. 1301 et seq.)'' and substitute ''part A of subtitle VII of title 49, United States Code,''.

(2) In section 3—

(A) in paragraph (1), strike ''section 101(5) of the Federal Aviation Act of 1958 (49 U.S.C. 1301(5))'' and substitute ''section 40102(a)(6) of title 49, United States Code'';

(B) in paragraph (2), strike ''section 603(c) of the Federal Aviation Act of 1958 (49 U.S.C. 1423(c))'' and substitute ''section 44704(c)(1) of title 49, United States Code,''; and

(C) in paragraph (4), strike ''section 603(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1423(a))'' and substitute ''section 44704(a) of title 49, United States Code,''.

(f) The amendments made by subsections (a)–(d) of this section shall take effect as if included in the provisions of the acts to which the amendments relate.

SEC. 4. LEGISLATIVE PURPOSE AND CONSTRUCTION.

(a) NO SUBSTANTIVE CHANGE.—This Act restates, without substantive change, laws enacted before May 1, 1997, that were replaced by this Act. This Act may not be construed as making a substantive change in the laws replaced. Laws enacted after April 30, 1997, that are inconsistent with this Act supersede this Act to the extent of the inconsistency.

(b) REFERENCES.—A reference to a law replaced by this Act, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding provision enacted by this Act.

(c) CONTINUING EFFECT.—An order, rule, or regulation in effect under a law replaced by this Act continues in effect under the corresponding provision enacted by this Act until repealed, amended, or superseded.

(d) ACTIONS AND OFFENSES UNDER PRIOR LAW.—An action taken or an offense committed under a law replaced by this Act is deemed to have been taken or committed under the corresponding provision enacted by this Act.

(e) INFERENCES.—An inference of a legislative construction is not to be drawn by reason of the location in the United States Code of a provision enacted by this Act or by reason of a caption or catch line of the provision.

(f) SEVERABILITY.—If a provision enacted by this Act is held invalid, all valid provisions that are severable from the invalid provision remain in effect. If a provision enacted by this Act is held invalid in any of its applications, the provision remains valid for all valid applications that are severable from any of the invalid applications.

SEC. 5. REPEALS.

(a) INFERENCES OF REPEAL.—The repeal of a law by this Act may not be construed as a legislative inference that the provision was or was not in effect before its repeal.

(b) REPEALER SCHEDULE.—The laws specified in the following schedule are repealed, except for rights and duties that matured, penalties that were incurred, and proceedings that were begun before the date of enactment of this Act:

Schedule of Laws Repealed

Statutes at Large

Date	Chapter or Public Law	Section	Statutes at Large		U.S. Code	
			Volume	Page	Title	Section
1996						
Oct. 18	99–500	6001–6012	100	1783–373	.....	.....
Oct. 30	99–591	6001–6012	100	3341–376	.....	.....
1991						
Dec. 18	102–240	7001–7004	105	2197	.....	.....
1996						
Oct. 9	104–264	902–907	110	3274	.....	.....

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MCCOLLUM] and the gentleman from Massachusetts [Mr. DELAHUNT] each will control 20 minutes.

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

GENERAL LEAVE

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 1086, as amended, is a bill to codify without substantive change laws related to transportation not included in title 49, Transportation, and to improve the United States Code. This bill was prepared by the Office of the Law Revision Counsel under its authority to prepare and submit periodically revisions of positive law titles of the United States Code to keep those titles current.

The Law Revision Counsel has informed us that he is satisfied that H.R. 1086, as amended, makes no substantive changes in the law. Therefore, no additional costs to the Government would be incurred as a result of the enactment of H.R. 1086, as amended.

I urge my colleagues to support H.R. 1086, as amended.

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

Mr. DELAHUNT. Mr. Speaker, I yield myself such time as I may consume. I simply would associate myself with the remarks of the gentleman from Florida [Mr. MCCOLLUM], and I would urge that the House support this revision.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 1086, as amended.

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

A motion to reconsider was laid on the table.

PROHIBITION ON FINANCIAL TRANSACTIONS WITH COUNTRIES SUPPORTING TERRORISM ACT OF 1997

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 748) to amend the prohibition of title 18, United States Code, against financial transactions with terrorists, as amended.

The Clerk read as follows:

H.R. 748

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Prohibition on Financial Transactions With Countries Supporting Terrorism Act of 1997''.

SEC. 2. FINANCIAL TRANSACTIONS WITH TERRORISTS.

Section 2332d of title 18, United States Code, (relating to financial transactions) is amended—

(1) in subsection (a)—

(A) by striking ''Except as provided in regulations issued by the Secretary of the Treasury, in consultation with the Secretary of State, whoever'' and inserting ''Whoever''; and

(B) by inserting ''of 1979'' after ''Export Administration Act''; and

(2) in subsection (b)(1), by inserting after ''1956(c)(4)'' the following: '', except that such term does not include any transactions ordinarily incident to—

''(A) routine diplomatic relations among countries;

''(B) an official act by a representative of, or an act which is authorized by and conducted on behalf of, the United States Government;

''(C) the broadcasting or reporting of news by organizations regularly engaged in such activity; or

''(D) the provision or purchase of assistance intended to relieve human suffering, including medical services, supplies, and equipment;

''(E) the receipt of emergency medical services;

''(F) any postal, telegraphic, or other personal communication which does not involve a transfer of anything of value;

''(G) the protection of intellectual property rights of any United States person;

''(H) the performance of any contract or agreement that was entered into before June 12, 1997, but not those renewed after such date;

''(I) the provision of hospitality or transportation services; or

''(J) the payment of a claim to any United States person''.

SEC. 3. REPORT ON EFFECTS OF ENACTMENT.

Beginning not later than one year after the date of enactment to this Act, the Secretary of the Treasury, in consultation with the Secretary of State, shall issue an annual report to Congress on—

(1) the impact of this prohibition on United States businesses; and

(2) any means by which a negative impact might be ameliorated.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MCCOLLUM] and the gentleman from Massachusetts [Mr. DELAHUNT] each will control 20 minutes.

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

GENERAL LEAVE

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 748, the bill under consideration.

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

There was no objection.

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

Mr. Speaker, this bill, H.R. 748, is an important addition to the Federal Government's battle against international terrorists and particularly those countries which have been identified as supporters of terrorism.

The gentleman from New York [Mr. SCHUMER], the ranking member of the Subcommittee on Crime, and I introduced this bill for the purpose of eliminating overly permissive regulations promulgated by the administration last year which have effectively gutted the provisions he and I offered successfully to the antiterrorism bill in the last Congress.

The amendment the gentleman from New York [Mr. SCHUMER] and I successfully offered to the antiterrorism bill, now known as section 321, prohibited all financial transactions between U.S. persons and governments which have been designated as supporters of terrorism.

Section 321 was drafted with a dual purpose in mind. First, by prohibiting financial support from terrorist countries to terrorist persons, it attempts to prevent the long arm of terrorism from reaching the shores of the United States through domestic entities. Second, the provision was intended to prohibit all financial transactions by U.S. persons with these countries regardless of where these transactions took place. This would have the effect of cutting off terrorist sponsoring governments from economic benefits of doing business with U.S. companies.

We agreed last year to authorize the Department of the Treasury, in consultation with the Department of State, to issue regulations which provided some exceptions to this ban. We intended that these regulations exclude a variety of specific transactions such as those which occur in the course of diplomatic activities and other related official matters.

Instead, in August of last year, the Treasury Department published regulations in relation to section 321 which essentially reversed the effect of the new prohibition. These regulations permit all financial transactions other than those which pose a risk of furthering domestic terrorism. The regulations prohibit U.S. persons from receiving unlicensed donations and from engaging in financial transactions with respect to which the United States person knows or has reasonable cause to believe that the financial transaction poses a risk of furthering terrorist acts in the United States. Thus, these regulations completely ignore the second purpose of the prohibition. They ensure a business as usual policy and represent a step backwards in the effort to isolate countries which provide support to terrorists.

H.R. 748 strips the executive branch of its authority to issue regulations exempting transactions from the prohibition. It establishes instead a legislative exception only for specified transactions. The list of permitted activities and transactions incident thereto include: routine diplomatic relations among countries; official acts by representatives of the U.S. Government; news reporting; humanitarian assistance; emergency medical services and the provision of medical supplies; postal and telephone services; the protection of intellectual property rights; hospitality or transportation services; payments of a claim to U.S. persons; and transactions connected to contracts and agreements entered into before the formal consideration of this legislation.

As a result of sanctions currently in place involving Iran, Iraq, North Korea, Libya, and Cuba, this bill has a more significant impact on transactions between United States persons and the governments of Sudan and Syria. These two countries are the only terrorist-list countries not subject to economic sanctions under other provisions of law.

It has been suggested by some that this legislation comes at a time when peace talks between Syria and Israel are a future possibility. We have all got to hope that that occurs. In fact, I certainly hope that that is true and that such talks will occur and be fruitful. Until such time, however, we must all stand firm on the principle that terrorism will not be tolerated and that countries giving shelter and support to terrorists are acting against the well being of the world community.

If the passage of this legislation would detract from the peace process, as some I think genuinely believe, I however do not, but as some believe, then I would suggest that the peace that is at hand is not really there and that it is a false hope rather than a reality. For all this legislation does is simply say that we are enforcing the laws of this land, that we are interested in making certain that those countries that do engage in supporting terrorism to the extent that they are placed on a terrorist list by our government as countries that support these acts are not going to any longer be able to engage in normal financial transactions with U.S. persons, U.S. citizens, U.S. companies, and all that a country has to do to get off the list, to avoid this sanction, is simply to stop those activities that have gotten them on the list in the first place. While some of the countries listed may engage more openly and more often and more frequently in these acts that make them terrorist-list countries, all of the countries are on the list for a reason. I would submit again that if one or two of these nations are close to the line and only have to take a few steps to come off the list that they proceed to do so. In fact that is indeed the message of this bill.

Mr. Speaker, H.R. 748 is a very important piece of legislation. There should be no higher priority for the United States in the battle against terrorism than the elimination of foreign government support for terrorists. I urge my colleagues to support this bill.

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

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

Mr. Speaker, this bill would replace the existing rules and procedures governing financial transactions with terrorism listed governments with an absolute ban on such transactions unless they fit in one of the 10 express exemptions provided by the bill. I want to commend the gentleman from Florida [Mr. MCCOLLUM] for his diligent efforts on behalf of this measure. I want to associate myself with the intent of his legislation.

While I join with him and the rest of the committee in reporting the bill favorably, I do have a concern which I raised during the committee's consideration of the bill as to what effect the bill might have on the embargoes currently in place against 5 of the 7 countries on the terrorism list. Specifically,

I was concerned about whether the bill leaves the executive branch sufficient flexibility to address individual cases as they may arise since it is impossible to fully anticipate all the myriad circumstances which might require private citizens or the government itself to engage in financial transactions in the midst of an embargo. I have since received a letter from the Department of State which indicates that.

The effect on these embargoes would be significant, including in ways that cannot be fully foreseen or assessed at this time.

The letter which I would ask to have included in the RECORD goes on to say that:

If H.R. 748 were adopted, the administration may no longer be able, under the embargo authorities otherwise available to it, to authorize transactions with terrorist-list governments, other than those specifically exempted by H.R. 748. An example might be the repatriation of MIA remains from North Korea.''

□ 1545

The department's letter offers many other such examples, including the payment of taxes and other fees to protect property interests in terrorist listed countries, payments on claims negotiated before the Iran-United States Claims Tribunal, transactions made in connection with the dismantlement of the Iraqi nuclear weapons program, and transactions associated with humanitarian activities that may not fall within the express exemptions in the bill.

I frankly do not know whether these particular horrors would come to pass if the bill becomes law or not. I am not in a position to know, but I think it should matter to us that those who are in a position to know have raised questions of this magnitude. One thing that I do know is that the gentleman from Florida is a thoughtful and reasonable colleague and that he has attempted to work with the administration to resolve these concerns, and I hope and trust and am confident that he will continue to do so.

U.S. DEPARTMENT OF STATE,
Washington, DC, June 20, 1997.

Hon. WILLIAM D. DELAHUNT,
House of Representatives.

DEAR MR. DELAHUNT: Thank you for your question, raised at the House Judiciary Committee meeting of June 18, whether H.R. 748 would have an effect on the embargoes currently in place against five of the seven terrorism-list countries under the authorities that include the International Emergency Economic Powers Act 50 U.S.C. §1701 et seq. (''IEEPA''), the Trading with the Enemy Act, 50 U.S.C. App. §1 et seq. (''TWEA''), and section 5 of the United Nations Participation Act (22 U.S.C. 287c) (''UNPA''). The five countries are Cuba, Iran, Iraq, North Korea, and Libya. The effect on those embargoes would be significant, including in ways that cannot be fully foreseen or assessed at this time.

The Department of the Treasury regulations (31 C.F.R. §596.503), currently in force under the authority of 18 U.S.C. 2332d, incorporate by reference the exemptions and licensing policies applicable under each individual embargo, so as to preserve the legislative mandates and executive branch policies that apply under each program. H.R. 748 would remove this regulatory authority and thus would appear to have the effect of overriding any statutory or regulatory provisions that may conflict. If H.R. 748 were adopted, the Administration may no longer be able, under the embargo authorities otherwise available to it, to authorize transactions with terrorist-list governments, other than those specifically exempted by H.R. 748. An example might be the repatriation of MIA remains from North Korea.

A further related concern is whether H.R. 748 is meant to take precedence over more specific laws such as the Cuban Democracy Act of 1992, 22 U.S.C. 6001 et seq. (''the CDA or Torricelli Act) which authorizes various forms of support for the Cuban people ''notwithstanding any other provision of law,'' or the Cuban Liberty and Democracy Solidarity Act of 1996, 22 U.S.C. 6021 et seq. (''the Libertad Act'' or ''the Helms-Burton Act'') which codifies the pre-existing Cuban embargo, including licensing authorities.

Your question highlights the difficulty that the Judiciary Committee and the Administration would face in trying to develop a specific and comprehensive list of exemptions that would be necessary if a complete ban on financial transactions with terrorism-list governments were adopted. While the exemptions that have been added to H.R. 748 are helpful, they are by no means adequate. Enclosed is a list of examples that we have developed within the Department of State to identify some of the more obvious and troublesome consequences if H.R. 748, as amended, were enacted into law. (Other Departments and agencies may have additional concerns for their programs.)

We do not know the full range of transactions which U.S. citizens or residents may be required to engage in with the individual terrorism-list governments, nor can we anticipate all the activities, whether governmental or private, that may require some form of financial transaction with a terrorism-list government in the future. No enumeration of specific exemptions would be adequate to meet all the unforeseen circumstances that inevitably arise in the administration of a sanctions regime. Unless the Administration is entrusted with the discretion to address specific circumstances, as in current law, any list of exemptions would necessarily be inadequate to protect the interests of the United States.

We appreciate your consideration of these views.

Sincerely,

BARBARA LARKIN,
Assistant Secretary, Legislative Affairs.

H.R. 748 AS AMENDED

DESCRIPTION

H.R. 748, as amended by the House Judiciary Committee, prohibits financial transactions with terrorism-list governments, unless specifically exempted by its terms. The ten exemptions included thus far, however, are inadequate to alleviate a wide range of adverse consequences for American citizens and the civilian population of the countries concerned, as well as for the conduct of foreign policy and other governmental and intergovernmental functions. It strips the Executive Branch of all regulatory and licensing flexibility now contained in section 321 of the 1996 Antiterrorism Act and other embargo authorities. By so doing, its potential impact would exceed that of any existing embargo.

We appreciate the effort made by the Judiciary Committee to accommodate certain limited concerns; however the minimal exceptions reflected in the H.R. 748, as amended, are inadequate. We do not know the full range of incidental transactions which Americans may be required to engage in with individual terrorism-list governments, nor can we anticipate all the activities, whether governmental or private, that may require some form of financial transaction with a terrorism-list government in the future. As a result, it is impossible to provide a comprehensive list of cases that could serve as the basis for developing exemptions to this provision.

Unless the Executive Branch is entrusted with the discretion to address individual circumstances, as under current law, any list of exceptions would necessarily be inadequate to protect the interests of the United States.

Among the consequences of such a rigid legislative approach could be the following:

The U.S. might no longer be able to meet certain binding legal obligations undertaken in the past with Iran, including implementation of the Algiers Accords through the Iran-U.S. Claims Tribunal in the Hague, and implementation of the agreement settling the 1988 Iran Air shootdown and certain Tribunal bank claims. These obligations may extend beyond the more limited exceptions provided for payments incident to official acts by the USG or on its behalf or payments of claims to Americans, to include, for example:

Payments by U.S. claimants of Tribunal awards to the Government of Iran (Under the Algiers Accords, these awards are enforceable in foreign courts.)

Payments by Iran for the warehousing arrangement it has with Victory Van in Virginia, which stores Iran's equipment that the USG refuses to license for export to Iran.

Payments via government-controlled banks to Iranian relatives of victims of the Iran Air shootdown; and

Private payments for expenses that are not necessarily on behalf of the USG the denial of which could result in USG liability under the Accords or other agreements;

Payments by Iran necessary to enforce its awards or bring other claims in U.S. courts (also as provided for in the Algiers Accords);

Payments by terrorism list governments generally to defend lawsuits and property interests in the U.S., which may raise constitutional issues.

It is unclear whether the provision is meant to override the basic scheme of the Foreign Sovereign Immunities Act (FSIA) by denying American attorneys payment for representation of terrorism list governments sued in the United States.

(Under the FSIA, foreign states are not immune from actions arising from a broad range of activities, including terrorist acts by the 6(j) countries against U.S. nationals. The Act assumes the issues of immunity and liability will be resolved through U.S. court proceedings. Deprivation of counsel for 6(j) government defendants may raise constitutional issues, call into question the fairness of the U.S. legal system, and generally discourage foreign governments from participation in suits under the FSIA, thus impeding USG efforts to persuade foreign states to adopt the restrictive theory of sovereign immunity and honor U.S. court judgments.)

It is unclear that an exception for provision of humanitarian assistance would be sufficient to enable U.S. nationals to pay the incidental government fees and personal expenses necessary to enable them to travel to or subsist in terrorism list countries to support or work in humanitarian programs in these countries;

It is unclear whether an exception for the provision of assistance intended to relieve human suffering is sufficient, for example, to allow Americans to repatriate the remains of family members who die in terrorism list countries, to settle decedents' estates, or to relieve other personal hardships that may arise in these countries;

Nor is it clear that an exception strictly limited to official transactions by the USG or conducted on its behalf would be sufficient to permit the continuation of transactions by intergovernmental or non-governmental organizations or of private individuals in furtherance of on-going programs serving important U.S. interests, including repatriation of MIA remains from North Korea, dismantlement of North Korea's and Iraq's nuclear weapons' programs, and promotion of freer communication with the Cuban population;

The exception for transactions ''incident to routine diplomatic relations among countries'' may not clearly encompass the maintenance of interest sections and protecting power arrangements, which are not generally viewed as ''routine diplomatic relations;''

Nor is it clear whether the provision's diplomatic exception applies to multilateral representation, for example, the ability of terrorism-list governments to maintain missions to international organizations headquartered in the United States (even where the USG has relevant treaty obligations such as the obligation under the U.N. Headquarters Agreement not to impede the functioning of these missions).

The protection of intellectual property rights of Americans is a welcome exception, but does not adequately resolve binding legal obligation of the United States under various multilateral intellectual property agreements to protect the rights of property owners in other member states;

Nor do the exceptions adequately provide for taxes and other fees that Americans may be required to pay to protect real or other property interests in terrorism-list countries;

It is unclear how Americans are to interpret the scope of the various exceptions on their own without administrative or regulatory guidance from a designated federal agency, as is normally the practice under embargoes; the net result may be a chilling effect on even those transactions that the Congress seeks to protect from interruption through these exemptions.

In sum, the Government already has a wide range of economic sanctions against countries that support international terrorism including Syria and Sudan. Sanctions are most effectively used in dealing with specific events or problems. They are a tool, not an end in themselves. To impose such sweeping mandatory sanctions, particularly in the absence of a precipitating event, does not strengthen our counter-terrorism efforts or other foreign policy goals with these individual countries. Indeed, it weakens them. It uses up the remaining economic arrows, leaving little ammunition in reserve.

Such sweeping measures, make it more difficult to maintain the contacts and dialogue needed to get necessary cooperation on specific situations, as we have in the past been able to obtain from Syria and Sudan. We have even had limited success with certain embargoed countries which would not have been possible without the flexibility and discretion available to the Executive branch under existing laws to create a climate for encouraging positive change within those countries.

The Administration has sufficient authority to deal with specific situations as necessary.

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

I would like to respond to the gentleman only to state a couple of things. One is that the concerns that he has expressed through the letter of the State Department of June 20, 1997, I have examined with my staff. We do not believe that the specific concerns listed in the letter are concerns that are not addressed in the bill. They are addressed in the bill.

For example, if there is a repatriation of MIA remains that would be involved from North Korea, they are covered because the language that we have in the exemption of the bill says it does not include any transaction ordinarily incident to an official act by a representative of or an act which is authorized by and conducted on behalf of the United States Government. And I have spent some considerable time with staff of other committees making certain that this covers activities that we might delegate out through our communities, both in defense and intelligence, as well as those which the State Department may be doing.

The same would be true with regard to the Cuban Democracy Act and the concern which was expressed in that letter about it because the act itself on its face, the Cuban Democracy Act, says notwithstanding any other provision of law, and this bill, 748, does not override that concern, is still the express view of the bill on its face that was passed before the Cuban act that I am talking about.

I would also add that while of course we cannot list every possible exception, and the ideal was what we passed in the legislation that is currently law, where we give full discretion to the Treasury and the State Departments to make exceptions as they see fit. The fact is they abused it grossly, and if we are going to restrict the terrorist list countries and restrict financial transactions of U.S. citizens from doing such things as going out and developing oil fields and investing in those countries that are terrorist list nations and giving them then the means and the resources to fuel terrorist acts around the world by their support of terrorist activities, then the whole exercise that we had in the antiterrorism bill is futile and useless and not workable. And while I would continue to work with the gentleman from Massachusetts as well as those at the State Department and our Government in the period of time between the House floor activity today and any final bill that comes out of both bodies in conference to see if there are other issues that we might need to resolve, it is certainly my intent and, I believe, the members of the subcommittee by and large and the full Committee on the Judiciary to see that the House passes this bill today, as I believe it will be the will of the House, and that we send a clear and unmistakable message that doing business with terrorist organizations and in support of terrorism and being on the terrorist lists by our State Department, if they are a country doing that, then they are not going to get the benefits of ordinary, everyday financial transactions with United States citizens. It is simply not common sense to let that happen, it is not good American policy, and I believe that this legislation needs to be adopted and should be adopted.

Mr. RAHALL. Mr. Speaker, combating international terrorism is in the vital national interest of the United States. There can be no mistake about that. Nor can there be any question that the Clinton administration has worked tirelessly in pursuit of this objective. While the purpose of H.R. 748 is to assist in this effort, the ultimate consequence, albeit unintended, may very well be the opposite.

If passed, H.R. 748 will prevent the administration from acting on foreign policy objectives and conducting basic diplomacy. In his opening remarks, Representative MCCOLLUM stated clearly, ''The bill strips the executive branch of the authority to issue regulations exempting transactions from the prohibition. It establishes instead a legislative exception * * *.'' By removing any flexibility the Executive branch has in implementing economic sanctions or prohibitions on financial transactions, the President is stripped of his ability to conduct the foreign policy affairs of the United States—a responsibility granted him by the Constitution.

In addition, while this bill may be touted as a safeguard against loopholes in existing legislation, it is vital to point out that the Antiterrorism and Effective Death Penalty Act of 1996 is an effective tool employed by the President to advance our counter-terrorism agenda in a manner he deems most appropriate, country by country. This restrictive legislation has serious implications—ultimately tying the President's hands in waging the war on international terrorism.

While the bill may have an effect on various regions of the world, one can look to the Middle East peace process as a clear example of how it will restrict the President's foreign policy. Without the ability to engage Syria, the United States can not be viewed as a balanced intermediary between the parties to the process. The peace process itself, a critical foreign policy objective, would be hindered by such action because the bill would impede the Administration's ability to advance stated peace process objectives.

Ms. HARMAN. Mr. Speaker, I rise today in opposition to H.R. 748, which, in the name of stopping terrorism, would mandate an automatic one-size-fits-all foreign policy and restrict the rights of American citizens and companies to do business in some countries overseas.

We all agree that terrorism is abhorrent, and that stopping it must be a top foreign policy priority for the United States.

The tough question, though, is how best to meet that goal. Are we better off adopting multilateral policies to deal with individual state sponsors of terrorism? Or should we automatically impose unilateral sanctions on every nation deemed a sponsor of terrorism?

The bill before us today chooses the second answer to this question: Automatic sanctions. This is a tempting solution. After all, we're talking about countries like Iran, Libya, Cuba, and North Korea. There are few defenders of these regimes anywhere in the world.

Unfortunately, there are three major costs associated with imposing unilateral sanctions.

First, unilateral sanctions are rarely, if ever, an effective punishment. When

American companies are barred from entering foreign markets, competitors from Asia and Europe are poised to take advantage. Without multilateral support for sanctions, then, the punitive effect of banning American business from a country may be minimal at best.

Second, imposing unilateral sanctions means lost American jobs. It is self-evident that keeping American companies out of foreign markets means lost American wealth.

Third, imposing unilateral sanctions will not necessarily end a foreign government's use of terrorism. In fact, in cases where terrorist regimes are generally supported by their subjects, imposing sanctions is likely only to increase anti-American sentiment and strengthen the hold of those in power.

I do support unilateral sanctions in certain targeted instances, for example with Iran. But taking away the President's prerogative to choose, and Congress's ability to assess whether to use this blunt policy tool, as the bill before us would do, will make our antiterrorism foreign policy worse, not better.

Mr. Speaker, we should do everything in our power to end all forms of terrorism. We are right to lead international efforts to isolate and punish terrorists. But imposing the automatic one-size-fits-all response to terrorism contained in H.R. 748 will be ineffective and costly. I urge my colleagues to defeat this bill.

Mr. MCCOLLUM. Mr. Speaker, I have no further speakers. If the gentleman does not, I am prepared to yield back the balance of my time.

Mr. DELAHUNT. No, I do not, Mr. Speaker, and I want to thank the gentleman from Florida for his reassurances.

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

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

The SPEAKER pro tempore (Mr. GOODLING). The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 748, as amended.

The question was taken.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

LAW ENFORCEMENT TECHNOLOGY ADVERTISEMENT CLARIFICATION ACT OF 1997

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1840) to provide a law enforcement exception to the prohibition on the advertising of certain electronic devices.

The Clerk read as follows:

H.R. 1840

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Law Enforcement Technology Advertisement Clarification Act of 1997''.

SEC. 2. EXCEPTION TO PROHIBITION ON ADVERTISING CERTAIN DEVICES.

Section 2512 of title 18, United States Code, is amended by adding at the end the following:

''(3) It shall not be unlawful under this section to advertise for sale a device described in subsection (1) of this section if the advertisement is mailed, sent, or carried in interstate or foreign commerce solely to a domestic provider of wire or electronic communication service or to an agency of the United States, a State, or a political subdivision thereof which is duly authorized to use such device.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MCCOLLUM] and the gentleman from Massachusetts [Mr. DELAHUNT] each will control 20 minutes.

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

GENERAL LEAVE

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 1840, the Law Enforcement Technology Advertisement Clarification Act, makes a small change to section 2512 of title 18, United States Code. The section states that any person who places in any newspaper, magazine, handbill, or other publication, any advertisement of any electronic, mechanical, or other device primarily useful for the purposes of surreptitious interception shall be fined and imprisoned. Thus, current law rightfully prohibits the widespread advertisement of electronic interception devices.

Unfortunately, this blanket prohibition against all advertisements includes advertisements to legitimate law enforcement users. Police departments may not receive mailings from companies which manufacture electronic equipment informing them that such equipment has been updated and improved.

Advances in the technology of electronic devices are being made at a staggering pace. One example is body microphones which are used frequently by undercover officers. These devices have been miniaturized and disguised through technological advancements and it is now almost impossible to tell if an officer is wearing one. Technological improvements like these specially in the area of undercover work can quite literally save police officers' lives. It is therefore essential that the manufacturers or distributors of this technology be able to contact law enforcement agencies and make them aware of improvements. That is the only purpose of this legislation.

It is certainly very important to protect privacy rights of every citizen in this country, and this bill does not grant any new authority to law enforcement in the area of electronic interception. Although law enforcement may already legally use devices intended for surreptitious interception, nothing in this bill expands existing law. This change only relates to advertisement of such equipment though subcommittee staff and industry representatives who work closely with the Federal Bureau of Investigation to ensure that this language will only provide relief to companies that manufacture law enforcement related equipment, and I would like to thank Director Freeh for his assistance with this legislation.

Again the sole purpose of this bill is to allow for the advertisement of such equipment to police departments. It is a very small change but one which could have a very big impact for police departments around the country, and I urge the adoption of the bill.

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

Mr. DELAHUNT. Mr. Speaker, I yield myself such time as I may consume, and I will be very brief.

I want to congratulate the gentleman from Florida [Mr. MCCOLLUM] for introducing this bill. It is straightforward, it is a sensible exception to that broad prohibition which he alluded to on the advertising of electronic surveillance technology. As he indicated, current law prohibits manufacturers from advertising such devices even to legitimate law enforcement agencies. This bill would simply allow such advertising as long as the recipient of the advertising is duly authorized to use these particular devices.

Mr. Speaker, I support the legislation.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 1840.

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

A motion to reconsider was laid on the table.

TELEMARKETING FRAUD PREVENTION ACT OF 1997

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1847) to improve the criminal law relating to fraud against consumers, as amended.

The Clerk read as follows:

H.R. 1847

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Telemarketing Fraud Prevention Act of 1997''.

SEC. 2. FORFEITURE OF FRAUD PROCEEDS.

Section 982(a) of title 18, United States Code, is amended by adding at the end the following:

''(8) The Court, in sentencing a defendant for an offense under section 2326, shall order that the defendant forfeit to the United States any real or personal property—

''(A) used or intended to be used to commit or to promote the commission of such offense, if the court in its discretion so determines, taking into consideration the nature, scope, and proportionality of the use of the property in the offense; and

''(B) constituting, derived from, or traceable to the gross proceeds that the defendant obtained directly or indirectly as a result of the offense.''.

SEC. 3. SENTENCING GUIDELINES CHANGES.

Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall review and amend the sentencing guidelines to provide a sentencing enhancement for any offense listed in section 2326 of title 18, United States Code—

(1) by at least 4 levels if the circumstances authorizing an additional term of imprisonment under section 2326(1) are present; and

(2) by at least 8 levels if the circumstances authorizing an additional term of imprisonment under section 2326(2) are present.

SEC. 4. INCREASED PUNISHMENT FOR USE OF FOREIGN LOCATION TO EVADE PROSECUTION.

Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the sentencing guidelines to increase the offense level for any fraud offense by at least 2 levels if the defendant conducted activities to further the fraud from a foreign country.

SEC. 5. SENTENCING COMMISSION DUTIES.

The Sentencing Commission shall ensure that the sentences, guidelines, and policy statements for offenders convicted of offenses described in sections 3 and 4 are appropriately severe and reasonably consistent with other relevant directives and with other guidelines.

SEC. 6. CLARIFICATION OF ENHANCEMENT OF PENALTIES.

Section 2327(a) of title 18, United States Code, is amended by striking ''under this chapter'' and inserting ''for which an enhanced penalty is provided under section 2326 of this title''.

SEC. 7. ADDITION OF CONSPIRACY OFFENSES TO SECTION 2326 ENHANCEMENT.

Section 2326 of title 18, United States Code, is amended by inserting '', or a conspiracy to commit such an offense,'' after ''or 1344''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MCCOLLUM] and the gentleman from Massachusetts [Mr. DELAHUNT] each will control 20 minutes.

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

GENERAL LEAVE

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, in September 1996 the House of Representatives passed by a voice vote an identical version of H.R. 1847, the Telemarketing Fraud Prevention Act. The Senate failed to act on that legislation before final adjournment, and the gentleman from Virginia [Mr. GOODLATTE], a dedicated member of the Committee on the Judiciary, has picked up the flag and is now advancing this important issue.

Mr. Speaker, the Subcommittee on Crime, which I chair, held a hearing a year ago on telemarketing fraud particularly as it related to our Nation's elderly. The Federal Trade Commission estimates that telemarketing fraud costs consumers about $40 billion a year. It is a sad fact that crooked telemarketers prey especially on our senior citizens. Telemarketing fraud is devastating for older persons because they often lose their entire life savings. As the American Association of Retired Persons has noted, many of this Nation's elderly are too trusting, they are very much too trusting, and cannot distinguish between a legitimate telephone pitch and a fraudulent one. Unfortunately, those who fall prey unintentionally aid the criminals because they are too humiliated to tell anyone of their drastic financial losses.

In the hands of a fraudulent telemarketer, a phone is a very dangerous weapon. They will use every trick possible to get their victims to send money. Examples of such deceptions include offering phony investment schemes, claiming to work for charitable organizations while promising grand trips and prizes. These telephone thieves are ruthless in their pursuit of someone else's hard-earned paycheck.

The most heinous part of the telemarketing fraud crime, however, is the final step. After a crooked telemarketer has wrung every last dime possible out of a victim, he then sells the victim's name to a so-called recovery room operation. The victim is contacted by a recovery room operator who pretends to be a private investigator or an attorney. The crook, masquerading as a legitimate investigator, tells the victim that he can help recover all the lost money, but first the victim needs to mail in some more money to cover the cost of the investigation. The victim is so desperate that anything seems reasonable, even a few hundred dollars to cover a private investigator's fee. Of course once the money is sent, the hopeful victim never hears from the scammer again. The recovery room operator is a true bully, kicking the victim when the victim is already down.

H.R. 1847 is designed to strengthen Federal law enforcement's fight against telemarketing fraud. Since money is all that matters to a fraudulent telemarketer, H.R. 1847 strikes back where it hurts, by requiring that any defendant convicted of a telemarketing scam forfeit all property used in the offense or any proceeds received as a result of the offense.

This bill also directs the U.S. Sentencing Commission to amend the guidelines to increase sentences for telemarketing fraud offenses defined in section 2326 of title 18 of the United States Code. Furthermore, the bill includes conspiracy language to allow prosecutors to seek out and punish the organizers of these illegal activities.

Again I thank my good friend from Virginia [Mr. GOODLATTE] for not allowing this issue to go unnoticed. I am going to yield to him in a moment but I am going to first of all withhold the balance of my time and let my good friend from Massachusetts have some time on this bill.

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

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

Mr. Speaker, I am pleased to join with the gentleman from Florida and my friend, the gentleman from Virginia [Mr. GOODLATTE] in supporting this measure which would increase penalties for telemarketing fraud, particularly when such fraudulent schemes victimize older Americans. While I ordinarily feel that Congress should allow the U.S. Sentencing Commission to determine when sentences and what sentences are appropriate, I am very glad that the bill takes steps to address what has become a serious and growing problem.

□ 1600

What family has not had the unpleasant experience of sitting down to a quiet dinner at home, only to have the telephone ring with some obnoxious telemarketer on the other end? Only this morning I received from a constituent of mine on Martha's Vineyard a letter who spoke of being plagued by telemarketing. Every third call is someone trying to sell something unsolicited.

For most of us, this sort of occurrence is a recurring nuisance. We may not want to hear the sales pitch but we usually know when to hang up. Unfortunately, when the caller is a sophisticated scam artist, things are rarely so clear. We have all heard from constituents who were tricked into contributing to nonexisting charities, or conned into throwing away their hard-earned money on phony real estate schemes. The situation is especially serious for older Americans, who are the favorite targets of these criminals.

Older people are especially vulnerable because many of them are lonely, homebound, and infirm. For them, that unwanted telephone call can mean the loss of everything they have managed to save over a lifetime. Predators who take advantage of other peoples' weaknesses should be held to account.

I urge support for H.R. 1847, and again extend my congratulations to

the gentleman from Florida and the gentleman from Virginia.

Mr. MCCOLLUM. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia [Mr. GOODLATTE], a member of the Committee on the Judiciary and the author of this bill.

Mr. GOODLATTE. I thank the gentleman for yielding time to me, Mr. Speaker, and I especially thank him as chairman of the Subcommittee on Crime for his leadership in helping to move this important legislation forward.

Mr. Speaker, I want to begin by reading from an article in last week's New York Times dated June 29. The article describes a recent investigation by Federal prosecutors targeting fraudulent telemarketers based out of Chattanooga, TN.

According to Federal officials, at least 100,000 people, most of them elderly, sent $35 million to fraudulent telemarketers based there from 1992 to 1995. According to the Times, and I quote,

> These scams were connected loosely, if at all. They ranged from single operators to 30-person phone banks. Typically, the lonely grandmothers and grandfathers were told that they had won one of four prizes: a new car, a Hawaiian vacation, $25,000 in cash, or $100.
>
> They were then asked to send a check, usually for hundreds or thousands of dollars, by overnight mail to cover taxes, postage, and handling for the winnings. If the taxes were this high, the telemarketer would say, ''Then the prize must be wonderful.'' According to one 80-year-old woman from New York who had fallen prey to the slick criminals, ''I have been a widow for 19 years. It is very lonely. They were nice on the phone. They became my friends.''

Fortunately, Federal prosecutors succeeded in winning convictions of 50 people as a result of their investigation. However, the average sentence in those 50 cases was less than 3 years for each person. Many of these people will be eligible for parole even sooner. The legislation I am offering today will send a loud and clear message to fraudulent telemarketers: the punishment for destroying the lives of our Nation's most vulnerable citizens will fit the crime, and it will be severe.

Telemarketing fraud has become a critical problem across the country, but especially in my home State of Virginia, where it has made victims of countless unsuspecting folks and their families.

Who are these victims? They are most often the elderly and disabled, those who have contributed so much to our society over the years. They are veterans of World War II and Korea, they are our retired schoolteachers, they are our parents and grandparents. Many of these victims, longtime residents of southwestern and central Virginia, come from a time when one's word was his or her bond, and they are often deceived by a con artist who will say whatever it takes to separate victims from their money. It has been estimated by the FBI that nearly 80 percent of all targeted telemarketing fraud victims are elderly.

Who are these people who victimize our Nation's elderly? They are white-collar thugs who contribute nothing to our society but grief. They choose to satisfy their greed by bilking others instead of doing an honest day's work. They strip victims not only of their hard-earned money but also of their dignity. They are swindlers who con our senior citizens out of their life savings by playing on their trust, sympathy and, if that does not work, their fear.

These criminals have said that they do not fear prosecution because they count on their victims' physical or mental infirmity or the embarrassment that victims feel from being scammed to prevent them from testifying at trial. Even if they are brought to trial, they are currently not deterred from engaging in telemarketing fraud because the penalties are so weak.

My bill raises the risk for criminals by directing the U.S. Sentencing Commission to increase by four levels the sentencing guidelines for fraudulent telemarketers and by eight for those who defraud those most vulnerable in our society, those over the age of 55.

My bill also includes conspiracy language to help put a stop to the targeting of Virginia as a victim State. Virginia is currently called a victim State by telemarketing criminals because very few of them have set up their boiler room operations here. Instead, they set up their operations in other States or even other countries, in particular Canada, to target Virginia's citizens as part of their scams. The addition of conspiracy language to the list of enhanced penalties will enable prosecutors to seek out the masterminds behind these boiler rooms and bring them to justice.

Of the top 11 company locations in 1996, four were Canadian provinces, Quebec 3d, Ontario 8th, British Columbia 9th, and Nova Scotia 11th. My bill will increase by two levels the penalty for those who use international borders to further their scams or evade prosecution.

Finally, my bill addresses the problem of victims who are unable to recoup any of their losses after the criminal is caught and convicted. It includes provisions requiring criminal asset forfeiture, to ensure that the fruits of crime will not be used to commit further crimes.

The Telemarketing Fraud Prevention Act will serve as a vital tool in the Federal arsenal of weapons available to law enforcement officials in the fight against telemarketing fraud. Since its introduction it has attracted several cosponsors from both parties, as well as the enthusiastic support of various seniors' groups, consumer protection groups, and law enforcement officials.

I thank my colleague for his assistance in advancing this important legislation, and urge my colleagues to support its passage this afternoon.

Mr. DELAHUNT. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Indiana [Mr. HAMILTON], the distinguished ranking member of the Committee on International Relations, who was unavoidably detained during consideration of H.R. 748.

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

I rise in opposition to H.R. 748. I fully understand that is not the bill that is being discussed at the moment, and I want to express my appreciation to the gentleman from Florida [Mr. MCCOLLUM] and the gentleman from Massachusetts [Mr. DELAHUNT] to permit me to speak for just a moment out of turn here, and perhaps even out of order.

Mr. Speaker, I rise in opposition to H.R. 748. I do not have any doubt at all about the popularity of the bill. The intent of the authors is altogether praiseworthy, as are their motives. I think, however, the bill presents a number of unintended consequences, unintended problems.

I am aware of the fact that the authors of the bill, the gentleman from Florida and the gentleman from New York, have tried to meet some of the objections that the administration has put forward. I am also aware that the administration was probably late into the game as this bill was moving along. I appreciate that they are trying to deal with those problems by including a number of exceptions in the bill. My concern is that they cannot see every problem or circumstance, and I think what is really needed in this bill to make it okay is a waiver authority for the President.

Let me try to spell out very quickly some of the consequences that I see in the bill, and I know they are not intended by the authors. I think the bill would not help and could harm the peace process. All of us realize that process is at a very fragile state today, a very high priority for the United States, for the United States is trying to get Israel and Syria to restart the peace talks.

The prohibition on financial transactions, for example, with Syria in this bill will not make it any easier and could make it a lot more difficult for the United States to act as a catalyst in the peace talks between Israel and Syria. I think it is quite possible that the bill could hurt counterterrorism cooperation.

The authors of the bill are exactly correct when they say that Syria continues to provide safe haven and logistical support to some of the groups engaged in terrorism. It is also true, however, that Syria has been helpful to the United States on certain terrorism cases. This bill would make cooperation by Syria very difficult.

I think the bill's exceptions are too narrow and could harm U.S. interests. For example, the emergency medical services exception does not include

nonemergency medical items like antibiotics and bandages. The humanitarian assistance exception may not cover U.S. nationals working on humanitarian programs. U.S. nationals working for the United Nations or other international organizations may not be covered.

The exception for official U.S. Government transactions may not include repatriation of MIA remains from North Korea, dismantlement of North Korea's and Iraq's nuclear weapons programs, and promotion of freer communications with the Cuban population.

Finally, let me just say that the bill is another application of unilateral sanctions by the United States. I certainly understand the frustration of Members and the desire to put unilateral sanctions into place. We often get very frustrated by the actions of foreign governments. But unilateral sanctions have now become quite popular in this body.

Too often I think we reach into the foreign policy toolbox and decide to rely on unilateral sanctions to try to solve problems. But when we act unilaterally, U.S. business interests often suffer. Unilateral sanctions are not usually effective, and sometimes the biggest impact of the sanctions are to make more difficult our relations with our European and Asian friends. We can sometimes lose U.S. markets as well.

So I think the gentlemen who are supporting this bill, the gentleman from Florida, the gentleman from New York, the gentleman from Massachusetts, have the highest of motivations here. I believe that in moving the bill forward, they are actually doing a good service, but I do believe the bill needs some significant changes.

On the Senate side, as I understand it, there was a Presidential waiver provision put in the State Department authorization bill, a comparable provision to this bill. I would hope that the authors of this bill might look at that pretty carefully.

For these reasons I will not be able to vote for the bill, but I certainly understand why it is brought forward, and I appreciate the popularity of the bill. Let me say again to the gentleman from Massachusetts [Mr. DELAHUNT] and the gentleman from Florida [Mr. MCCOLLUM] how much I appreciate their magnanimous action here in letting me speak out of turn.

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

Mr. Speaker, I certainly respect the gentleman who has spoken, the gentleman from Indiana [Mr. HAMILTON]. He is a very strong voice in the concerns of our Nation with respect to international affairs and has been for many years. As he has indicated, a number of us have worked diligently to try to address the concerns that he expressed in his statements, and I know that we have not perhaps done so to his satisfaction.

As I stated before he got here, a number of the provisions in the bill, in my personal belief and that of my staff and the experts we have had look at it, do cover and do address those areas of concern. Again, as I stated earlier, it seems to me that for that particular bill dealing with financial transactions with the named terrorist countries, Iran, Iraq, Sudan, North Korea, Libya, Syria, that it is very important that we do send this message, that we are not going to allow financial transactions between United States citizens and those governments as long as they are on the terrorist list.

I will continue to work with the administration and with the gentleman from Indiana as well as others to improve this bill as we go forward, but it does occur to me that at the present moment there is no peace process with regard to Syria. I wish there were. I hope there will be.

I certainly would like to see this bill, if anything, encourage that process. Syria certainly could do so by dropping those things which it is doing that puts it on the terrorist list, albeit maybe lesser than those things which some of the other countries on the list are doing.

Mr. Speaker, returning to the subject at hand, the bill that is before us of the gentleman from Virginia [Mr. GOODLATTE], H.R. 1847, regarding telemarketing fraud, affects just about every person who owns a telephone.

Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. STEARNS] on H.R. 1847.

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

Mr. STEARNS. Mr. Speaker, I thank my distinguished colleague, the gentleman from Florida, for yielding time to me.

Mr. Speaker, I also rise in support of this legislation sponsored by my good friend, the gentleman from Virginia [Mr. GOODLATTE], and reported out of the Subcommittee on Crime of the Committee on the Judiciary, chaired by another good friend, the gentleman from Orlando, FL, Mr. BILL MCCOLLUM.

There is a quote by Sir Walter Scott that goes something like this: ''Oh, what a tangled web we weave when first we practice to deceive.'' I think that quote by Sir Walter Scott sort of sums up what we have here. It is perhaps a perfect description of the fraud committed by the unscrupulous telemarketers who prey on the susceptibility of our citizens. Particularly in Florida we have senior citizens, elderly people, and I think telemarketing would be something that people would use to prey on our citizens.

I was the original cosponsor of this legislation when it was first introduced on January 21, 1997, when I believe the bill back then was H.R. 474. Now it is H.R. 1847. It has been strengthened, I think, through the committee process, so I think the current version is even better.

□ 1615

As my colleague from Florida has mentioned, telemarketing fraud is estimated to rob the United States consumers of at least $40 billion annually. This legislation would finally send a clear signal to the con men who manipulate the public's telephone systems to commit fraud. Under current law, fraudulent telemarketers spend an average of only 1 year in jail. This bill directs the United States Sentencing Commission to increase prison sentences for those convicted of telemarketing fraud. The commission is directed to increase the recommended penalties to a prison term of 2½ years with longer sentences for those who defraud the elderly, mentally disturbed, disabled, and other vulnerable consumers.

H.R. 1847 also requires a person convicted of telemarketing fraud to forfeit all money made in executing the fraud and to forfeit any property used in connection with the fraudulent acts as well as forfeiting any investments or property purchased with the profits of the telemarketing fraud. So with all that in mind, I urge all my colleagues to vote in support of this important piece of legislation. I congratulate the gentleman from Virginia [Mr. GOODLATTE] and my distinguished colleague, the gentleman from Florida [Mr. MCCOLLUM].

Mr. GALLEGLY. Mr. Speaker, I am pleased to be a strong supporter of H.R. 1847, the Telemarketing Fraud Prevention Act.

The FBI estimates that telemarketing scams, such as schemes involving bogus charities, fake gem stones and deceptive travel promotions cost consumers as much as $40 billion annually. Often these fraudulent schemes target those who are least able to defend themselves, including senior citizens, many of whom live by themselves. The callers, through the use of deception, threats, or outright lies, are able to convince many elderly Americans to part with hundreds or thousands of dollars to companies who promise spectacular profits or outstanding deals.

The Telemarketing Fraud Prevention Act takes dead aim at those who prey on seniors and other unsuspecting consumers. H.R. 1847 increases Federal criminal penalties for persons convicted of committing fraud through the telephone. This legislation directs the U.S. Sentencing Commission to increase the sentencing levels for all telemarketing fraud, with the greatest increase in sentences for those who target those over 55 years of age. H.R. 1847 also requires monetary restitution to victims through the use of proceeds from persons or groups convicted under the statute.

Mr. Speaker, it is time that our Nation gets tough with criminals who use the telephone to steal from American consumers. And, it is time we get tough against con artists who prey on vulnerable senior citizens.

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

Mr. MCCOLLUM. Mr. Speaker, again I want to encourage support for this bill, H.R. 1847, the Telemarketing Fraud Act. I thank my good friend, the gentleman from Virginia [Mr. GOODLATTE] for bringing it forward.

Telemarketing fraud is really one of the most dastardly types of crimes in this country. The bill will do a lot to enforce that law and to make much tougher punishments.

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

The SPEAKER pro tempore (Mr. GOODLING). The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 1847, as amended.

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

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF THE HOUSE THAT NATION'S CHILDREN ARE ITS MOST VALUABLE ASSET AND THEIR PROTECTION SHOULD BE HIGHEST PRIORITY

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 154) expressing the sense of the House that the Nation's children are its most valuable assets and that their protection should be the Nation's highest priority.

The Clerk read as follows:

H. RES. 154

Whereas the Nation's most valuable and vulnerable asset is its children;

Whereas their protection should be one of our highest priorities;

Whereas over 1,000,000 children are reported missing, and over 100,000 attempted nonfamily abductions take place every year;

Whereas over 750,000 children under the age of 18 disappear for some length of time every year;

Whereas law enforcement officials constantly encounter crimes against children;

Whereas sex offenders are nine times more likely to repeat their crimes than any other class of criminal;

Whereas nearly two-thirds of State prisoners serving time for rape and sexual assault victimized children; and

Whereas while many missing children are returned to their homes, many others are exposed to danger and exploitation: Now, therefore, be it

Resolved, That—

(1) all Members of Congress should take appropriate action to ensure the safety and protection of children in their jurisdictions;

(2) State governments should have in effect laws which register offenders convicted of sexual crimes against children and laws which require law enforcement to notify communities of the presence of these offenders;

(3) States should have in effect laws which severely punish individuals convicted of offenses against children, especially crimes involving abduction, sexual assault, exploitation, and stalking;

(4) law enforcement agencies should take the necessary steps to safeguard children against the dangers of abduction and exploitation; and

(5) State and local law enforcement agencies should work in close cooperation with Federal law enforcement to ensure a rapid and efficient response to reports of child abductions, especially in cases where a child's life may be in danger.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MCCOLLUM] and the gentleman from Massachusetts [Mr. DELAHUNT] each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. MCCOLLUM).

GENERAL LEAVE

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation under consideration.

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

There was no objection.

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

House Resolution 154, introduced by the gentleman from Georgia [Mr. COLLINS] expresses the sense of the House regarding the safety and protection of our Nation's children. On May 25 we observed National Missing Children's Day, a day established by President Reagan in 1983 to raise public awareness about the need for increased child protection. This resolution, prepared in connection with National Missing Children's Day, is a declaration by this Congress that child abduction is a very serious matter and that we intend to work with State and local law enforcement to ensure that effective and appropriate measures are in place to prevent crimes against children.

Justice Department statistics indicate that over 1 million children are reported missing each year. Over 100,000 abductions of children are attempted by nonfamily members annually. This resolution includes these and other statistics in its findings, in addition to providing that States should have in place laws which severely punish individuals convicted of offenses against children. The resolution declares that law enforcement agencies should take steps necessary to safeguard children against the dangers of abduction and exploitation and should work in close cooperation with Federal law enforcement to ensure a rapid and efficient response to reports of child abductions, especially in cases where a life may be in danger. Losing a child is a nightmare which becomes a reality for too many Americans. I would like to commend the gentleman from Georgia [Mr. COLLINS] for his efforts and I urge my colleagues to supported this resolution.

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

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

Mr. Speaker, this resolution declares that protection of children should be our highest national priority. I certainly do not intend to take issue with that sentiment as the father of two wonderful daughters. I frankly cannot imagine any Member of this House taking issue with it.

However, I do recognize that it is important from time to time for the Congress to reaffirm even such self-evident truths. I commend the author of the bill, the gentleman from Georgia [Mr. COLLINS] for doing so.

How the States choose to protect our children is, of course, another matter.

This resolution does not actually require the States to do anything. For that reason, it was reported favorably by our committee without dissent. But it does urge States to take various steps which the authors of the bill favor, including the adoption of laws that require the registration of convicted sex offenders, and severely punish those who commit offenses against children. Most of the States already do those things. But again I recognize that it is sometimes useful for the Congress to encourage the States to do what they are already doing.

Given so much harmonious agreement, it seems out of place to strike a discordant note, but there is something that does trouble me about this resolution. What troubles me is the implicit assumption that the people responsible for local law enforcement have more to learn from the Congress than we have to learn from them. I know from my own experience in law enforcement that this is simply not the case. If communities around the country choose to adopt these kinds of measures, it will not be because Congress thinks they should. It will be because they have determined that these measures are the best way to protect their children for whom they are responsible. If they do not do so, it will not be because they care less about their children than we do; it will be because they have chosen other means which they think would be more effective within their communities.

Finally, Mr. Speaker, once we have affirmed our concern for the well-being of America's children, I hope we will remember the many other things that threaten them. Things like malnutrition, lack of education, inadequate health care.

Unlike local law enforcement, these are things that we can do something about.

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

Mr. MCCOLLUM. Mr. Speaker, I yield such time as he may consume to the author of this bill, the gentleman from Georgia [Mr. COLLINS].

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

Mr. Speaker, I want to thank the gentleman from Massachusetts and the gentleman from Florida for both their recognition of how important it is at times for us to remind ourselves and to remind our State and local officials and also our law enforcement officials of the importance of our children and to remind them, too, that we are all concerned and very interested in their protection.

As the father of four and the grandfather of six and, by the way, Mr. Speaker, I put my request in to my four children hopefully to get a baker's

dozen of those grandchildren, I recognize the importance of love and protecting our children, our most valuable asset.

Therefore, I rise today to offer a resolution referencing the importance of our Nation's children. Amidst all the talk of balanced budgets, taxes and entitlements and their importance, too, to our children, we often overlook the need to protect what truly is the most priceless resource in this country, and that is our children. But like any other valuable, our children's safety is often threatened. Losing a child is a nightmare which has become a reality for far too many Americans. In fact, a recent study conducted by the Princeton Survey Research Associates indicated that the number one fear of 54 percent of the parents who responded is that their child might be kidnapped. And while most missing children are returned to their homes safely, many are exposed to the evils of exploitation.

The gentleman from Florida [Mr. MCCollum] referred to several statistics released recently by the Justice Department. A couple of those statistics are that more than 300,000 children are abducted by family members each year and that nearly two-thirds of our State prisoners serving time for rape and sexual assault victimized children and that sex offenders are nine times more likely to repeat their crimes than any other criminal.

Mr. Speaker, our law enforcement agencies are constantly faced with the difficult task of stopping crimes against children, and Congress has done a commendable job in recent months with the passage of two acts, one the Megan's law which gives citizens the power to educate themselves with sex offender registration information and, two, the Sexual Offender Tracking Identification Act, which aids law enforcement officials in tracking down threats to our children.

Both these measures are a good start but there is much work to be done yet. Therefore, Mr. Speaker, I am pleased to offer House Resolution 154, which expresses the sense of Congress that the Nation's children are its most valuable resource and that their protection should be our Nation's highest priority.

House Resolution 154, as reported earlier, also urges local and State governments to take appropriate action to ensure the safety and protection of children within their jurisdictions and to severely punish offenders of such crimes. I would like to recognize the diligent efforts of the National Center for Missing and Exploited Children, the subcommittee chairman, the gentleman from Florida [Mr. MCCOLLUM], the ranking member, the gentleman from Massachusetts [Mr. HYDE] and the other members in the leader's office for their help with this measure. I urge my colleagues to join me in passage of this resolution.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and agree to the resolution, House Resolution 154.

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

A motion to reconsider was laid on the table.

WAIVING MEDICAID ENROLLMENT RULE FOR BETTER HEALTH PLAN OF AMHERST, NY

Mr. PAXON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2018) to waive temporarily the Medicaid enrollment composition rule for the Better Health Plan of Amherst, NY, as amended.

The Clerk read as follows:

H.R. 2018

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

SECTION 1. WAIVER OF 75/25 MEDICAID ENROLLMENT RULE FOR BETTER HEALTH PLAN, INC.

Effective July 1, 1997, the requirement of section 1903(m)(2)(A)(ii) of the Social Security Act (42 U.S.C. 1396b(m)(2)(A)(ii)) is waived, for contract periods through December 31, 1998, with respect to the Better Health Plan, Inc. operating in New York.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. PAXON] and the gentleman from New York [Mr. ENGEL] each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. PAXON].

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

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

Mr. PAXON. Mr. Speaker, I rise today in support of H.R. 2018, legislation I offered along with my colleagues from New York on the Committee on Commerce. Our legislation is but a small piece of legislation but it is absolutely vital to many Medicaid recipients in the State of New York.

Better Health Plan, based in my district in Amherst, New York, needs an extension of their 75/25 waiver which expired on June 30, 1997. The 75/25 rule requires that any Medicaid managed care plan enroll at least 25 percent of their patients from the private sector. Without this legislation, Better Health Plan would be forced to disenroll thousands of Medicaid recipients. These recipients would face a disruption of their health care, and Mr. Speaker, we cannot allow this to happen. The 75/25 rule would be eliminated under the President's proposed budget as well as the congressional budget plan. Unfortunately the budget bill was not signed into law by June 30 of this year. Therefore, we need to take quick and decisive action on H.R. 2018.

I must also point out that the New York State Department of Health and Better Health Plan were hoping the State's 1115 Medicaid waiver would be approved by this time. Approval of the 1115 waiver would have provided relief without the need for congressional action. Unfortunately, we were told by HCFA that a decision on the 1115 rule waiver would not come before June 30, 1997.

It is because of this that I offer H.R. 2018 today and ask that my colleagues quickly approve this legislation so that Better Health Plan may continue to provide quality health care to Medicaid beneficiaries, as they have since 1994. Better Health Plan is a Medicaid prepaid health services plan approved by the New York State Department of Health. At present, Better Health Plan operates in New York City and 11 counties across the State of New York. Better Health serves over 41,500 individuals of which 36,700 are Medicaid recipients.

I received a letter from the New York State Department of Health verifying that mandated surveys have been conducted by the State and there have been no quality-of-care deficiencies with Better Health Plan.

Therefore, before I close, I would like to thank my colleagues, the gentlemen from New York, particularly Mr. ENGEL, Mr. TOWNS, Mr. MANTON, and Mr. LAZIO who have all been helpful in bringing this legislation to the floor. I would also like to thank the gentleman from Virginia [Mr. BLILEY] and his staff for their prompt attention to this situation. It is because of this bipartisan effort that we will ensure that Medicaid patients in New York City/State will continue to receive quality health care.

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

□ 1630

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

Mr. Speaker, I join with my friend and colleague, the gentleman from New York [Mr. PAXON], in strong support of H.R. 2108.

Let me say, as he has said, the five members of the Committee on Commerce from New York all strongly support the bill. Indeed, the Committee on Commerce passed the bill unanimously by voice vote. This, as the gentleman from New York said, would grant a waiver for the Better Health Plan from the 75–25 rule.

The Better Health Plan covers people throughout New York State, mostly northern New York, but also in the city of New York as well, and the 75–25 rule states that any Medicaid HMO plan must have a minimum of 25 percent participation from non-Medicaid enrollees. This rule has been eliminated in the Medicaid portion of the budget reconciliation measure.

However, as was pointed out, the budget plan has yet to be enacted and, because of that, Better Health must now begin disenrolling patients unless the bill before us is enacted. Better

Health Plan is a Medicaid prepaid health services plan approved by the New York State Department of Health to operate in the State since March 30, 1994. At present, as I mentioned, the plan operates in the five boroughs of New York City, as well as Westchester County, which I also represent, and in 11 other counties, and serves over 41,000 enrollees, including 37,000 Medicaid recipients.

Surveys conducted by the State of New York have not reported any quality of care deficiencies with Better Health. For the last 3 years, Better Health has operated under an exemption to the 75–25 rule that was granted by HCFA in June 1994. The waiver period ended last week on June 30 and Better Health will be required to send out notices of disenrollment to its enrollees unless this legislation is enacted. That is why it is so important we enact this legislation today. We must pass the measure before us today in order to ensure that the patients continue to receive the care they need.

I also want to mention, Mr. Speaker, that in addition, there are two other plans in New York that are also requesting waivers and find themselves in the same predicament that Better Health has found itself, and these two other plans are Health First and Genesis, the latter of which is in my district to a very large degree.

While both plans will not have to disenroll patients until later this year, because their waiver lasts a little longer, I would have preferred to see waivers granted for these plans also. I would have preferred to have seen it all in one bill. But should there be delays or problems arising in the future on the budget plan, I plan to work with my friend from New York, Mr. PAXON, and the Committee on Commerce should we need to address the situation later on in the year with regard to the other plans that I mentioned. So, Mr. Speaker, I strongly urge my colleagues to support this bill.

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

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

Mr. ENGEL. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. TOWNS].

Mr. TOWNS. Mr. Speaker, I thank my colleague for yielding me this time, and I want to begin by saying that I want to thank Members on both sides of the aisle and the leadership for moving this bill very quickly. Also I want to thank the staff on both sides of the aisle who have done a superb job. I could call the names, but I will not get into that because I might just leave a name out.

The Better Health Plan serves over 40,000 Medicaid recipients in the New York area. This plan provides services all over the five boroughs of New York City, including my district, which has close to 2,000 beneficiaries. Better Health Plan offers many innovative health care programs for its Medicaid members and helps them become better consumers of health care, which is very, very important.

The plan also offers a wide variety of preventive services, including vision, hearing, lead screening tests and also provides counseling services for alcohol and tobacco and drug habits as well. The legislation waives the Medicaid 75–25 rule and will continue to make this plan available to New York residents.

My colleague mentioned earlier that there were some other New York plans that were also concerned about the fact that they were not included in this legislation. It is my hope that the waiver will come about and that we will not have to do that, but in the event it does not occur, I would like to assure him that I will join him in doing everything that I can to make certain that they are included because we need to make certain that people do not need to have frustration and tension because of the fact the 75–25 rule is in effect.

Again, Mr. Speaker, I want to thank my colleagues, the gentlemen from New York, Messrs. PAXON, ENGEL, MANTON and LAZIO, and also thank my staff person, Brenda Pillors, who worked very hard on this.

Mr. MANTON. Mr. Speaker, as an original cosponsor of this legislation, I rise in strong support of H.R. 2018, a bill to extend the 75–25 Medicaid waiver for Better Health Plan of Amherst. I want to thank my colleagues on the Commerce Committee, particularly Representatives PAXON, TOWNS, ENGEL, and LAZIO for their efforts in bringing this legislation to the floor in such a swift manner.

Better Health Plan of Amherst provides essential services to its beneficiaries in the five Boroughs of New York City and eleven counties throughout New York State. Of the 40,000 individuals Better Health Plan serves, 36,700 are Medicaid recipients. H.R. 2018 would ensure uninterrupted delivery of quality health care for those who rely on the services provided by Better Health Plan. The quality services provided by Better Health Plan range from increased access to health care to intensive health education for its members.

Mr. Speaker, I urge my colleagues to support this legislation which would guarantee that Better Health Plan of Amherst can continue to provide quality, low-cost health care to its numerous beneficiaries.

Mr. QUINN. Mr. Speaker, I rise today in support of H.R. 2018, a bill that provides a temporary Medicaid waiver for the Better Health Plan in New York. This is a bill that I strongly support, Mr. Speaker, and I urge all of my colleagues to do the same.

Thousands of Medicaid patients in New York are anxiously waiting to see if the doors to their health care office will remain open tomorrow morning, due to the 75/25 Medicaid enrollment provision. According to this provision, 25 percent of a health plan's patients must be enrolled from the private sector. If a health plan cannot meet this goal, they must start disenrolling patients. The Better Health Plan, in Amherst, NY is in danger of having to disenroll more than 36,000 Medicaid recipients, since their 75/25 waiver expired on June 30 of this year.

This bill will grant the Better Health Plan an extended waiver of the 75/25 provision until December 31, 1998, thereby aiding low income New York residents. I remain committed to ensuring quality care for New York Medicaid patients, which can be done by other means than a 75/25 provision. However, we cannot and should not sit here and order health care providers to close their doors on more than 40,000 patients. Quick action is needed to ensure that the quality care that Medicaid patients are now receiving from health plans will continue. The future of Medicaid recipients hangs in the balance at this time while the very real threat of termination of care and services to these lower income residents is dependent upon this vote. Please don't let these people down, support H.R. 2018.

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

The SPEAKER pro tempore (Mr. GOODLING). The question is on the motion offered by the gentleman from New York [Mr. PAXON] that the House suspend the rules and pass the bill, H.R. 2018, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PAXON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2018 and to insert extraneous material.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 2016, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1998

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 178 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 178

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2016) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 or

6 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from North Carolina [Mrs. MYRICK] is recognized for 1 hour.

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

Mr. Speaker, on Thursday, June 26, the Committee on Rules granted, by voice vote, an open rule providing 1 hour of general debate equally divided between the chairman and ranking minority member of the Committee on Appropriations for the consideration of H.R. 2016, the military construction appropriations bill for fiscal year 1998. The rule waives points of order against provisions in the bill which do not comply with clause 2 of rule XXI prohibiting unauthorized appropriations and legislation on general appropriations bills, and clause 6 of rule XXI prohibiting transfers of unobligated funds.

The rule provides for priority recognition to those amendments that are preprinted in the CONGRESSIONAL RECORD. The rule also provides that the Chairman of the Committee of the Whole may postpone recorded votes on any amendment and that the Chairman may reduce voting time on postponed questions to 5 minutes, provided that the votes take place immediately following another recorded vote and that the voting time on the first series of questions is not less than 15 minutes.

Finally, the rule provides for one motion to recommit with or without instructions.

Today we will consider the first bill in the annual appropriations process. Because the other body and conference action on the National Defense Authorization Act has not been completed, the Committee on Appropriations considered only projects recommended for authorization when crafting H.R. 2016. All projects included in H.R. 2016 are approved subject to authorization.

This is a product of a bipartisan effort to ensure that the needs of our service men and women are effectively addressed. The committee chairman and ranking member of the Subcommittee on Military Construction both testified that debate on the measure was very short in both the subcommittee and full Committee on Appropriations where it passed with a voice vote.

The living conditions of our Nation's fighting men and women have been the focus of much attention and grave concern. Currently, 62 percent of troop housing spaces and 64 percent of housing family units are unsuitable. It is imperative we work to improve their living conditions, which are directly linked to readiness, morale, and retention.

I am proud of our continued efforts to improve the housing for the Armed Forces, those brave Americans that protect our freedoms. In particular, the need for improved family housing has increased dramatically. Since the 1950's the all-volunteer structure of the Armed Forces has resulted in the steady rise of married service members. More than 60 percent of those serving today are married. It is important that we have a sustained, flexible approach to meet their needs.

H.R. 2016 addresses the severe backlog in readiness, revitalization and quality of life projects. To address this problem, the committee included funding above the administration's request to fund the planning and construction of several barracks, family housing and operational facilities. Included in the additional funding is:

Ten additional unaccompanied housing projects; new construction and improvements to family housing units, benefiting approximately 2,438 military families; four child development centers; operational and training facilities for the active service; and operational, training, environmental compliance and safety related activities for the Reserves.

Good infrastructure is key to military installations operating effectively and achieving their mission. They need good transportation networks, rail lines, roads, airports and seaport facilities, communication systems, telephone lines and satellite uplinks and downlinks, and mundane but vital support like water and sewer systems, and electrical generation and distribution systems.

There have been reports that aging installations are suffering from crumbling infrastructure and support facilities. It is crucial we give the revitalization of these facilities sufficient priority so that they are able to meet their mission requirements. This bill dedicates funding to continue to address these problems.

Other commitments addressed in the bill include funding for the continued implementation for the base realignment and closure program. The funds are necessary so that the base closure schedules can be met and the savings realized. The bill gives the Department of Defense the flexibility to carry out this complex task in the most efficient manner possible.

This is a good bill that honors the commitment we have to our Armed Forces. It helps ensure that the housing and infrastructure needs of the military are given proper recognition so that our Armed Forces can continue to defend the freedoms we all cherish.

Mr. Speaker, I urge my colleagues to support the open rule on this important bill.

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

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume, and thank my colleague from North Carolina, Mrs. MYRICK, for yielding me this time.

This resolution is an open rule. It will allow for full and fair debate on H.R. 2016, which is the military construction appropriation bill for fiscal year 1998.

Under this rule, germane amendments will be allowed under the 5-minute rule, which is the normal amending process in the House. All Members on both sides of the aisle will have the opportunity to offer amendments. The Committee on Rules reported this rule without opposition in a voice vote and I certainly plan to support it.

This bill appropriates $9.2 billion for military construction, family housing and base closure construction projects. And though the bill provides $800 million more than the administration's request, the funding level still represents a reduction of $610 million, or 6 percent below last year's appropriation.

The bill funds necessary capital improvements to our Nation's military facilities. And continuing the trend of recent years, the Committee on Appropriations paid special attention to facilities that improved the quality of life for our service men and women. This includes an emphasis on family housing, barracks, and child development centers.

The bill contains funding for four projects at Wright-Patterson Air Force Base, which is partially located in my district.

One of the four is a new building to consolidate the Aeronautical Systems Center's acquisition support functions, and this will result in cost reductions and improved efficiency. The new building will help enhance current weapon systems as well as developing new ones, such as the Joint Strike Fighter.

Another project is a child development center, which will assist Air Force parents stationed at Wright-Patterson.

□ 1645

Mr. Speaker, passage of this bill is important to our national defense and

to the welfare of our fighting men and women; and I certainly would urge the adoption of this open rule and the bill.

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

Mrs. MYRICK. 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 upon the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1775, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1998

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 105–172) on the resolution (H. Res. 179) providing for consideration of the bill (H.R. 1775) to authorize appropriations for fiscal year 1998 for intelligence and intelligence-related activities of the U.S. Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 858, QUINCY LIBRARY GROUP FOREST RECOVERY AND ECONOMIC STABILITY ACT OF 1997

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 105–173) on the resolution (H. Res. 180) providing for consideration of the bill (H.R. 858) to direct the Secretary of Agriculture to conduct a pilot project on designated lands within Plumas, Lassen, and Tahoe National Forests in the State of California to demonstrate the effectiveness of the resource management activities proposed by the Quincy Library Group and to amend current land and resource management plans for these national forests to consider the incorporation of these resource management activities, which was referred to the House Calendar and ordered to be printed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5:15 p.m. today.

Accordingly (at 4 o'clock and 48 minutes p.m.), the House stood in recess until approximately 5:15 p.m.

□ 1715

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GOODLING) at 5 o'clock and 15 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair will now put the question on the bill called from the Corrections Calendar and each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which each question arose.

Votes will be taken in the following order: H.R. 849 by the yeas and nays, Senate Joint Resolution 29 by the yeas and nays, H.R. 1658 by the yeas and nays, and H.R. 748 by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

PROHIBITING ILLEGAL ALIENS FROM RECEIVING RELOCATION ASSISTANCE

The SPEAKER pro tempore. The pending business is the question of passage of the bill, H.R. 849, on which further proceedings were postponed.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 399, nays 0, not voting 35, as follows:

[Roll No. 246]

YEAS—399

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Furse
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hefley
Hefner
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Latham
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Shimkus
Shuster
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—35

Becerra
Bilbray
Brown (OH)
Bryant
Cox
Dellums
Edwards
Fattah
Frost
Gejdenson
Gilman
Hayworth
Hilleary
Hostettler
Hunter
Inglis
Kennedy (RI)
Lantos
Largent
LaTourette
Lowey
Mica
Owens
Pastor
Riggs
Rush
Sanford
Scarborough
Schiff
Shadegg
Sherman
Sisisky
Smith (NJ)
Solomon
Taylor (NC)

□ 1738

Mr. GOODLATTE changed his vote from ''nay'' to ''yea.''

So (three-fifths having voted in favor thereof) the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BRYANT. Mr. Speaker, on rollcall No. 246, bad airline connections prevented me from voting. Had I been present, I would have voted ''yes.''

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

REGARDING THE FRANKLIN DELANO ROOSEVELT MEMORIAL

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate joint resolution, Senate Joint Resolution 29.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the Senate joint resolution, Senate Joint Resolution 29, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 363, nays 39, not voting 32, as follows:

[Roll No. 247]

YEAS—363

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bass
Bateman
Bentsen
Bereuter
Berry
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Bryant
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Christensen
Clay
Clayton
Clement
Clyburn
Collins
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Furse
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hefner
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Latham
Lazio
Leach
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Ryun
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaefer, Dan
Schumer
Scott
Serrano
Shaw
Shays
Shimkus
Skeen
Slaughter
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Thomas
Thompson
Thune
Thurman
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—39

Barr
Bartlett
Barton
Berman
Bonilla
Burton
Chenoweth
Coble
Coburn
Combest
DeLay
Dingell
Doolittle
Gallegly
Hall (TX)
Hefley
Johnson, Sam
Lewis (CA)
Livingston
McIntosh
Moran (VA)
Obey
Paul
Radanovich
Rohrabacher
Royce
Salmon
Scarborough
Schaffer, Bob
Sensenbrenner
Sessions
Shuster
Skaggs
Skelton
Smith (MI)
Stump
Taylor (MS)
Thornberry
Tiahrt

NOT VOTING—32

Becerra
Bilbray
Brown (OH)
Cox
Dellums
Edwards
Fattah
Frost
Gejdenson
Gilman
Hayworth
Hilleary
Hostettler
Hunter
Inglis
Lantos
Largent
LaTourette
Lowey
Mica
Owens
Pastor
Riggs
Rush
Sanford
Schiff
Shadegg
Sherman
Sisisky
Smith (NJ)
Solomon
Taylor (NC)

□ 1750

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate 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

Mr. PASTOR. Mr. Speaker, on rollcall No. 246 and 247. I was delayed at O'Hare Airport due to weather and due to flight delay, had I been present, I would have voted ''yea.''

PERSONAL EXPLANATION

Mr. HAYWORTH. Mr. Speaker, my airplane was unavoidably detained because of avionics difficulties from Chicago into Washington this afternoon. Accordingly, Mr. Speaker, I missed two votes held under suspensions. I want the RECORD to reflect that had I been present, I would have voted ''yes'' on H.R. 849 and also ''yes'' on Senate Joint Resolution 29.

PERSONAL EXPLANATION

Mr. HOSTETTLER. Mr. Speaker, due to official business in my district, I missed two votes today, July 8, 1997. Had I been present, I would have voted as follows and request that these appear at the appropriate place in the RECORD:

I would have voted ''yea'' on rollcall No. 246, passage of H.R. 849, a bill to amend the Relocation Assistance and Real Property Acquisition Policies Act of 1970 to prohibit the payment of displacement compensation to illegal aliens.

I would have voted ''nay'' on rollcall No. 247, on passage of House Resolution 79, a resolution to direct the Interior Secretary to design and construct a permanent addition to the FDR Memorial in Washington, DC.

ATLANTIC STRIPED BASS CONSERVATION ACT AMENDMENTS OF 1997

The SPEAKER pro tempore (Mr. GOODLING). The pending business is the question of suspending the rules and passing the bill, H.R. 1658, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Pennsylvania [Mr. PETERSON] that the House suspend the rules and pass the bill, H.R. 1658, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 399, nays 8, not voting 27, as follows:

[Roll No. 248]

YEAS—399

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Furse
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Largent
Latham
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Metcalf
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Serrano
Sessions
Shaw
Shays
Shimkus
Shuster
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—8

Barr
Foley
Manzullo
Neumann
Paul
Royce
Scarborough
Sensenbrenner

NOT VOTING—27

Becerra
Bilbray
Brown (OH)
Cox
Dellums
Edwards
Frost
Gejdenson
Gilman
Hilleary
Hunter
Inglis
Lantos
LaTourette
Lowey
Menendez
Mica
Riggs
Rush
Sanford
Schiff
Shadegg
Sherman
Sisisky
Smith (NJ)
Solomon
Taylor (NC)

☐ 1801

Mr. SCARBOROUGH changed his vote from ''yea'' to ''nay.''

☐ 1800

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MICA. Mr. Speaker, on rollcall Nos. 246, 247, and 248, I was inadvertently detained due to mechanical problems with my plane. Had I been present, I would have voted ''yes'' on each.

PROHIBITION ON FINANCIAL TRANSACTIONS WITH COUNTRIES SUPPORTING TERRORISM ACT OF 1997

The SPEAKER pro tempore (Mr. GOODLING). The pending business is the question of suspending the rules and passing the bill, H.R. 748, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 748, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 377, nays 33, answered ''present'' 1, not voting 23, as follows:

[Roll No. 249]

YEAS—377

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Furse
Gallegly
Ganske
Gekas
Gephardt
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
Lampson
Largent
Latham
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski

Livingston	Pastor	Smith (MI)
LoBiondo	Paxon	Smith (OR)
Lucas	Pease	Smith (TX)
Luther	Peterson (MN)	Smith, Adam
Maloney (CT)	Peterson (PA)	Smith, Linda
Maloney (NY)	Petri	Snowbarger
Manton	Pickering	Souder
Manzullo	Pickett	Spence
Markey	Pitts	Spratt
Martinez	Pombo	Stabenow
Mascara	Pomeroy	Stark
Matsui	Porter	Stearns
McCarthy (MO)	Portman	Stenholm
McCarthy (NY)	Poshard	Stokes
McCollum	Price (NC)	Strickland
McCrery	Pryce (OH)	Stump
McDade	Quinn	Stupak
McGovern	Radanovich	Sununu
McHale	Ramstad	Talent
McHugh	Rangel	Tanner
McInnis	Redmond	Tauzin
McIntosh	Regula	Taylor (MS)
McIntyre	Reyes	Taylor (NC)
McKeon	Riley	Thomas
McNulty	Rivers	Thompson
Meehan	Rodriguez	Thornberry
Menendez	Roemer	Thune
Metcalf	Rogan	Thurman
Mica	Rogers	Tiahrt
Millender-McDonald	Rohrabacher	Tierney
	Ros-Lehtinen	Towns
Miller (FL)	Rothman	Traficant
Mink	Roukema	Turner
Moakley	Roybal-Allard	Upton
Molinari	Royce	Velazquez
Mollohan	Ryun	Visclosky
Moran (KS)	Sabo	Walsh
Morella	Salmon	Wamp
Murtha	Sanchez	Watkins
Myrick	Sanders	Watt (NC)
Nadler	Sandlin	Watts (OK)
Neal	Sanford	Waxman
Nethercutt	Sawyer	Weldon (FL)
Neumann	Saxton	Weldon (PA)
Ney	Scarborough	Weller
Northup	Schaefer, Dan	Wexler
Norwood	Schaffer, Bob	Weygand
Nussle	Schumer	White
Oberstar	Sensenbrenner	Whitfield
Olver	Serrano	Wicker
Ortiz	Sessions	Wise
Owens	Shaw	Wolf
Oxley	Shays	Woolsey
Packard	Shimkus	Wynn
Pallone	Shuster	Young (AK)
Pappas	Skeen	Young (FL)
Parker	Skelton	
Pascrell	Slaughter	

NAYS—33

Blumenauer	LaHood	Payne
Bonior	Lewis (GA)	Pelosi
Campbell	Lofgren	Rahall
Conyers	McDermott	Scott
Dingell	McKinney	Skaggs
Farr	Meek	Snyder
Hamilton	Miller (CA)	Tauscher
Harman	Minge	Torres
Hastings (FL)	Moran (VA)	Vento
Hilliard	Obey	Waters
LaFalce	Paul	Yates

ANSWERED ''PRESENT''—1

Delahunt

NOT VOTING—23

Becerra	Gejdenson	Rush
Bilbray	Gibbons	Schiff
Brown (OH)	Gilman	Shadegg
Coburn	Hunter	Sherman
Cox	Lantos	Sisisky
Dellums	LaTourette	Smith (NJ)
Edwards	Lowey	Solomon
Frost	Riggs	

□ 1809

Mr. LAHOOD and Mr. MORAN of Virginia changed their vote from ''yea'' to ''nay.''

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. ROUKEMA. Mr. Speaker, on June 25, on rollcall No. 236, I inadvertently voted ''yes.'' I intended to vote ''no.''

Mr. Speaker, on June 25, 1997, on rollcall vote 236 on H.R. 1119, the Defense Authorization Act for Fiscal Year 1998, I inadvertently voted "yea." It was my intention to vote "no" on the bill.

I have consistently voted against increasing defense spending, especially since the end of the cold war, when our Nation faces its biggest threat, not from outside our shores, but from the impending fiscal disaster that awaits our country.

H.R. 1119 was a $2.6 billion increase over last year and included items that we either do not need nor can not be justified by objective analysis.

H.R. 1119 included $331 million for advanced procurement of additional B–2 bombers. The CBO estimates that the additional bombers would cost $27 billion over the next 20 years. This is for nine planes that neither the President, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, or the Secretary of the Air Force requested nor wants. I voted for an amendment to redirect this money for the use of the National Guard and Reserve, but it failed.

The bill included other questionable weapons systems. It provides $661 million for the V–22 and $469 million for the joint strike fighter.

While the House debated the Defense bill, our troops were still in Bosnia without any effective exit date. The House defeated an amendment to set the initial deadline for withdrawal by December 31, 1997. We need to bring our troops home from Bosnia and turn the mission over to our European allies.

H.R. 1119 contained many of the same provisions of past bills that I have voted against.

Mr. Speaker, please let the record reflect that I intended to vote "no" on H.R. 1119.

PERSONAL EXPLANATION

Mr. KENNEDY of Rhode Island. Mr. Speaker, I was unavoidably detained on rollcall vote 246 on today's vote. Had I been here, I would have voted ''aye.''

GENERAL LEAVE

Mr. PACKARD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill (H.R. 2016), making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes, and that I may include tabular and extraneous material.

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

There was no objection.

MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1998

The SPEAKER pro tempore. Pursuant to House Resolution 178 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2016.

□ 1813

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2016) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes, with Mr. BARRETT of Nebraska in the chair.

The Clerk read the title of the bill.

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

The gentleman from California [Mr. PACKARD] and the gentleman from North Carolina [Mr. HEFNER] each will control 30 minutes.

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

□ 1815

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

Let me proceed by informing all the Members that the rules require a record vote on final passage of this bill. Some have inquired.

Mr. Chairman, I want to begin by saying what a pleasure it has been for me to work with the gentleman from North Carolina [Mr. HEFNER]. We have crafted this bill, I think, to be very attractive to all the Members of the Congress.

This is a military construction bill, and our primary concern in this bill was that we address this very serious problem with quality-of-life issues, family housing, barracks, hospitals, day-care centers, and the like. This bill includes $9,183,000,000. This is within the 602(b) allocations. It represents a $610 million reduction from last year's appropriated levels. This is a 6 percent reduction. So we want Members of the House to know that this bill is cutting, not raising, the cost of Government.

The Members recognize that this addresses, as I have mentioned, the quality-of-life issues. We recommend that an additional $800 million above and beyond the request in the President's budget be devoted to improving the troop housing, family housing, child day-care centers. This adds up to $752 million in barracks, troop housing; $28 million in child day-care centers; $146 million in hospital and medical facilities; $104 million in environmental compliance on our bases; $1 billion for new housing and improvement of existing housing; and over $3 billion of the bill is in operation and maintenance of existing inventory. Twenty-three percent of the bill, or $2.1 billion, is for downsizing DOD's infrastructure, in other words, the base realignment and closure program.

Again, I want to express my deep appreciation to the staff, to the members

of my subcommittee, certainly to the ranking member, for the cooperation we have had in crafting this bipartisan bill. In conclusion, I want to express the fact that we have worked closely with the authorizing committee.

As a matter of fact, all individual items in this bill are included in the authorization bill. So we worked very closely with the authorizing committee and they have been very, very cooperative. This $9.2 billion is roughly 4 percent of the total defense budget and $610 million below last year's level.

We strongly urge the Members of Congress to support the bill and move it forward. We fully expect that this will move without a great deal of controversy; and, hopefully, we will be able to have our final passage vote within the hour.

Mr. Chairman, I include the following for the RECORD:

MILITARY CONSTRUCTION APPROPRIATIONS BILL, 1998 (H.R. 2016)

	FY 1997 Enacted	FY 1998 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Military construction, Army	565,688,000	595,277,000	721,027,000	+155,339,000	+125,750,000
Rescissions	-3,028,000			+3,028,000	
Total, Military construction, Army (net)	562,660,000	595,277,000	721,027,000	+158,367,000	+125,750,000
Military construction, Navy	707,094,000	540,106,000	685,306,000	-21,788,000	+145,200,000
Rescissions	-19,780,000			+19,780,000	
Total, Military construction, Navy (net)	687,314,000	540,106,000	685,306,000	-2,008,000	+145,200,000
Military construction, Air Force	754,064,000	495,782,000	662,305,000	-91,759,000	+166,523,000
Rescissions	-5,100,000			+5,100,000	
Total, Military construction, Air Force (net)	748,964,000	495,782,000	662,305,000	-86,659,000	+166,523,000
Military construction, Defense-wide	763,922,000	673,633,000	613,333,000	-150,589,000	-60,300,000
Rescissions	-51,000,000			+51,000,000	
Total, Military construction, Defense-wide (net)	712,922,000	673,633,000	613,333,000	-99,589,000	-60,300,000
Total, Active components	2,711,860,000	2,304,798,000	2,681,971,000	-29,889,000	+377,173,000
Department of Defense Military Unaccompanied Housing Improvement Fund	5,000,000			-5,000,000	
Military construction, Army National Guard	78,086,000	45,098,000	45,098,000	-32,988,000	
Military construction, Air National Guard	189,855,000	60,225,000	137,275,000	-52,580,000	+77,050,000
Rescission	-5,000,000			+5,000,000	
Total, Military construction, Air National Guard (net)	184,855,000	60,225,000	137,275,000	-47,580,000	+77,050,000
Military construction, Army Reserve	55,543,000	39,112,000	77,731,000	+22,188,000	+38,619,000
Military construction, Naval Reserve	37,579,000	13,921,000	40,561,000	+2,982,000	+26,640,000
Military construction, Air Force Reserve	52,805,000	14,530,000	27,143,000	-25,662,000	+12,613,000
Total, Reserve components	408,868,000	172,886,000	327,808,000	-81,060,000	+154,922,000
Total, Military construction	3,125,728,000	2,477,684,000	3,009,779,000	-115,949,000	+532,095,000
Appropriations	(3,209,636,000)	(2,477,684,000)	(3,009,779,000)	(-199,857,000)	(+532,095,000)
Rescissions	(-83,908,000)			(+83,908,000)	
NATO Security Investment Program	172,000,000	176,300,000	166,300,000	-5,700,000	-10,000,000
Family housing, Army:					
Construction	158,503,000	143,000,000	202,131,000	+43,628,000	+59,131,000
Operation and Maintenance	1,212,466,000	1,148,937,000	1,148,937,000	-63,529,000	
Total, Family housing, Army	1,370,969,000	1,291,937,000	1,351,068,000	-19,901,000	+59,131,000
Family housing, Navy and Marine Corps:					
Construction	499,886,000	278,933,000	409,178,000	-90,708,000	+130,245,000
Operation and Maintenance	1,020,721,000	976,504,000	976,504,000	-44,217,000	
Total, Family housing, Navy	1,520,607,000	1,255,437,000	1,385,682,000	-134,925,000	+130,245,000
Family housing, Air Force:					
Construction	317,507,000	253,128,000	341,409,000	+23,902,000	+88,281,000
Operation and Maintenance	816,509,000	830,234,000	830,234,000	+13,725,000	
Total, Family housing, Air Force	1,134,016,000	1,083,362,000	1,171,643,000	+37,627,000	+88,281,000
Family housing, Defense-wide:					
Construction	4,371,000	4,950,000	4,950,000	+579,000	
Operation and Maintenance	30,963,000	32,724,000	32,724,000	+1,761,000	
Total, Family housing, Defense-wide	35,334,000	37,674,000	37,674,000	+2,340,000	
Department of Defense Family Housing Improvement Fund	25,000,000			-25,000,000	
Homeowners Assistance Fund, Defense	36,181,000			-36,181,000	
Total, Family housing	4,122,107,000	3,668,410,000	3,946,067,000	-176,040,000	+277,657,000
Construction	(980,267,000)	(680,011,000)	(957,668,000)	(-22,599,000)	(+277,657,000)
Operation and Maintenance	(3,080,659,000)	(2,988,399,000)	(2,988,399,000)	(-92,260,000)	
Family Housing Improvement Fund	(25,000,000)			(-25,000,000)	
Homeowners Assistance Fund	(36,181,000)			(-36,181,000)	

MILITARY CONSTRUCTION APPROPRIATIONS BILL, 1998 (H.R. 2016)—Continued

	FY 1997 Enacted	FY 1998 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Base realignment and closure accounts:					
Part II	352,800,000	116,754,000	116,754,000	-236,046,000	.....
Rescissions	-35,391,000	.....	.....	+35,391,000	.....
Subtotal	317,409,000	116,754,000	116,754,000	-200,655,000	.....
Part III	971,925,000	768,702,000	768,702,000	-203,223,000	.....
Rescissions	-75,638,000	.....	.....	+75,638,000	.....
Subtotal	896,287,000	768,702,000	768,702,000	-127,585,000	.....
Part IV	1,182,749,000	1,175,398,000	1,175,398,000	-7,351,000	.....
Rescissions	-22,971,000	.....	.....	+22,971,000	.....
Subtotal	1,159,778,000	1,175,398,000	1,175,398,000	+15,620,000	.....
Total, Base realignment & closure accounts (net)	2,373,474,000	2,060,854,000	2,060,854,000	-312,620,000	.....
Grand total:					
New budget (obligational) authority	9,793,309,000	8,383,248,000	9,183,000,000	-610,309,000	+799,752,000
Appropriations	(10,011,217,000)	(8,383,248,000)	(9,183,000,000)	(-828,217,000)	(+799,752,000)
Rescissions	(-217,908,000)	.....	.....	(+217,908,000)	.....

Mr. PACKARD.

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

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

Mr. HEFNER. Mr. Chairman, first of all, I would be remiss if I did not congratulate the chairman of the committee, who is one of the finest gentleman I have ever worked with in this House, and this is one of the best committees, I guess, in the entire House of Representatives. And I would like to congratulate the staff, because they have done a tremendous job, both on the minority side and the majority side, they have done a tremendous job in putting together this bill, and it merits the support of everyone in this House.

This bill contains, as the chairman has said, some $9.2 billion in total funding. This is $600 million below last year. I would like to remind some of the critics of the bill that we have been taken to task that we are over the President's mark. But I would like to remind the Members of the House that we have a committee that in the past 2 years, under both Democrat and Republican administrations, we have had to fight very hard to get money for quality of life for our troops. We have concentrated on doing the best that we can for quality of life for our troops, and we think we have done a good job with limited funds.

We have got 50 new barracks projects, and all of our barracks are over 40 years old. We need another 250,000 units. And I might add that everything in this package has been authorized and was voted on and passed in this House. So I think we have a very good bill, and I want to thank the chairman for all of his courtesy to work with us through the years and for the staff.

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

Mr. PACKARD. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. PORTER].

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

Mr. Chairman, I rise in strong support of the bill, and I want the gentleman from California [Mr. PACKARD] to know that it is a joy to serve on his subcommittee and under his chairmanship.

As I said at the markup, the gentleman from California [Mr. PACKARD] could give us all lessons in how to mark up a bill in an efficient way and to get the job done. The gentleman from California has done an outstanding job in crafting this bill that addresses the quality of life and needs of our armed services.

The men and women who serve this country deserve the very best that we can provide, and this bill includes increased funding for billets, for new family housing units, and for private family homes. Each of these are essential to the readiness of our Armed Forces.

I am particularly pleased that the chairman funded several projects at the Great Lakes Naval Base in my district. The Great Lakes Naval Training Center serves as the Navy's only primary training base and the principle location for early training skills. This bill includes new enlisted barracks at the Great Lakes Naval Hospital at a cost of $5.2 million in new barracks, two new fire stations, and a combat pool at the Great Lakes Naval Training Center at a cost of $26.7 million.

Under the leadership of the gentleman from California [Mr. PACKARD], this bill takes very strong steps in improving the quality of life for our armed services. He has done a masterful job in crafting the bill, and I applaud him and urge support of all Members.

Mr. HEFNER. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts [Mr. OLVER], who is a member of the committee.

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

Mr. OLVER. Mr. Chairman, as a new member of the Subcommittee on Military Construction, I rise to support this bill, but particularly to commend the gentleman from California, Mr. PACKARD for his very effective leadership, and then also to commend both Chairman Packard and the gentleman from North Carolina, Mr. HEFNER, the ranking member, for their very bipartisan working relationship which was indeed, as the previous speaker said, a joy to work with.

The fiscal 1998 MILCON appropriations bill continues to focus on the quality of life for servicemen and women. Improving quality of life for those who serve in the Armed Forces and for their families is critical if we are going to retain our best personnel beyond their minimum service requirements. We are spending billions on new weapons, and we ought to spend enough to ensure that the servicemen and women who operate those sophisticated weapons are not left in substandard and in some cases deplorable living conditions.

To that end, this bill provides funding, in some cases above the Pentagon's request, for new child development centers; new hospital and medical facilities, including treatment centers and medical research facilities; and for cleanup at military bases where contamination sites that are in violation of either Federal or State environmental protection laws do exist.

The report which accompanies this bill contains initiatives that should be supported by all Members. These initiatives are aimed at saving costs and bringing common sense to construction planning by the service branches.

There are instructions in the report for each military department to develop a unified design guidance program to stop wasteful, duplicative spending on the engineering and design of like projects, including duplicative spending on computer programs used in the engineering, design, and construction of standard military facilities.

A second cost-saving measure in the subcommittee's report is the forwarding of Bold Venture, the Pentagon's program to move military entrance processing stations from private, commercial buildings to military installations in order to reduce office rent expenditures and the cost associated with housing recruits in hotels rather than in barracks.

I thank the chairman and ranking member for including this language in the subcommittee's report, and I look forward to reviewing the Defense Logistics Agency's report on the budgeting timetable for Bold Venture, which is due to the Appropriations Committee no later than January 1998.

But perhaps the best feature of this package is the specific instruction included by the chairman to the Army, the Army National Guard, and the National Guard Bureau on the need for a concerted system of planning and prioritizing the hundreds and hundreds of unbudgeted Army National Guard construction projects.

The subcommittee report before the House today points out that the Army Guard has no comprehensive approach whatsoever to armory construction—as well as no understandable, consistent method for prioritizing competing armory and readiness center construction projects.

I commend the leadership of the gentleman from California [Mr. PACKARD], the chairman, and the gentleman from North Carolina [Mr. HEFNER] in taking steps to improve this extremely poor budgeting process, both for the next fiscal year and for the long run.

For those reasons and more, I urge my colleagues on both sides of the aisle to support the fiscal 1998 military construction bill.

Mr. PACKARD. Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi [Mr. WICKER], a member of the subcommittee.

Mr. WICKER. Mr. Chairman, I thank the chairman of the subcommittee for yielding me the time.

Mr. Chairman, I want to briefly echo the sentiments of other speakers who already talked tonight in commendation of our subcommittee chairman, the gentleman from California [Mr. PACKARD], as well as the gentleman from North Carolina [Mr. HEFNER], the ranking member, for the bipartisan nature in which they have approached this issue, taking care of quality-of-life and readiness issues, all within our budget allocation.

Mr. Chairman, I think it might surprise many American people to hear that over 25 percent of our military barracks are in substandard condition at the present time and over 66 percent of onbase housing is considered substandard. And that is what this bill is principally about.

I was glad to see my friend, the gentleman from Illinois [Mr. PORTER], talk

about quality of life as it affects readiness. It would take 32 years and $30 billion in order to correct all of the problems presently associated with our military housing.

Forty-two percent of this bill goes toward family housing needs, $1 billion toward new family housing, and another $3 billion toward operation and maintenance of existing facilities. There are also many other needs that are met by the bill: $28 million for child development centers, $146 million for hospital and medical facilities, $752 million for barracks facilities.

So I just want to echo the comments of other speakers already and congratulate the chairman and the ranking member. Because of the rule, we will have a recorded vote; and I certainly would expect an overwhelming vote in favor of this legislation.

Mr. PACKARD. Mr. Chairman, I yield 3 minutes to the gentleman from Colorado [Mr. HEFLEY], the chairman of the authorizing Subcommittee on Military Installations and Facilities of the Committee on National Security.

Mr. HEFLEY. Mr. Chairman, I rise in strong support of H.R. 2016, the Military Construction Appropriations Act for fiscal year 1998.

The gentleman from California [Mr. PACKARD] and the gentleman from North Carolina [Mr. HEFNER] have described the principal features of this legislation, and I do not want to repeat what they already have said. But as chairman of the Subcommittee on Military Installations and Facilities, I would like to elaborate on a couple of points that the gentleman from California [Mr. PACKARD] and the gentleman from North Carolina [Mr. HEFNER] have made.

This House has been concerned for some time about the serious shortfalls in basic infrastructure, military housing, and other facilities that affect the readiness of our Armed Forces and the quality of life for military personnel and their families, and Congress has taken action to attempt to address those shortfalls.

Both the authorization and appropriations committees of jurisdiction were disappointed that the budget requested by the administration for fiscal year 1998 continued a pattern of significant deterioration in the funding programmed by the Department of Defense for military construction, in spite of the very clear and obvious facilities problem that the services confront. This legislation will not solve all those problems, but, if it passes, it will be a further demonstration of the commitment of the House to correct the severe deficiencies that exist at our military installations.

I am gratified that the authorization and appropriations subcommittees have continued their close working relationship. The gentleman from California [Mr. PACKARD] is correct that all projects recommended for appropriation in the bill have been represented for authorization in H.R. 1119, the National Defense Authorization Act for fiscal year 1998, which passed the House prior to the recess by a vote of 304 to 120.

□ 1830

This House has always responded to the clear and compelling need of the military services. H.R. 2016 reflects a bipartisan consensus on military construction that has already been ratified by the House. I urge Members to keep faith with the men and women in uniform and continue our effort to improve their living and working conditions. I ask for my colleagues' support for this bill.

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

Mr. HEFLEY. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, let me take just a moment to associate myself with the gentleman's remarks and compliment him as the subcommittee chairman on the authorizing committee, to compliment the gentleman from California [Mr. PACKARD], the chairman, and the gentleman from North Carolina [Mr. HEFNER], the ranking member who has labored so long and so well in his previous chairmanship on this. This is an excellent bill, and I think it should pass, as the gentleman says, overwhelmingly. I thank the gentleman for yielding.

Mr. HEFNER. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. MENENDEZ]) for a colloquy with the chairman of the subcommittee.

Mr. MENENDEZ. I thank the distinguished gentleman for yielding me this time.

Mr. Chairman, if I may, what I am trying to accomplish in lieu of an amendment that I intended to offer in this colloquy with the chairman is based on an issue that arises from my district where the Military Ocean Terminal in Bayonne, NJ is going to close. That is a foregone conclusion. We understand that. But as part of this process, the BRAC Commissioners voted to take the Military Sealift Command that was there and have them relocate to a base X, an undisclosed base. My understanding is that there would be a financial feasibility as to what would be the most appropriate place to have the Military Sealift Command be relocated to.

The Navy has gone off unreined to determine that they want to go to a location that does not in fact substantiate itself with any study as to what is the financial cost and whether it is the most financially feasible cost. Consequently we have learned that they intend to go to Camp Pendleton, VA.

In January of this year, I asked for a GAO report simply to find out whether or not they have done a study and if not what is the most appropriate place in terms of the consequences of the financial impact of moving this and is this the most financially feasible both for the Navy and for the U.S. taxpayers. We are expecting the design phase of that, to have it within the next 2 weeks, but it will take a little more time to have a final report.

What I am trying to accomplish, Mr. Chairman, in this colloquy is, first of all, I understand that there is no money in this bill for such a transfer of the Military Sealift Command. Am I correct in that statement?

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

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

Mr. PACKARD. The gentleman is correct.

Mr. MENENDEZ. Second, Mr. Chairman, I would ask if the gentleman will work with us to seek a resolution with the Navy on this matter in order to ensure that the taxpayers' money is well spent and we are going to the most appropriate place.

Mr. PACKARD. Of course we will work with the gentleman in every way we can to resolve the problem.

Mr. MENENDEZ. I thank the gentleman.

Mr. PACKARD. Mr. Chairman, I yield 3 minutes to the gentleman from Nebraska [Mr. BEREUTER].

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

Mr. BEREUTER. Mr. Chairman, this Member rises to express his concerns regarding the lack of funding for many Army National Guard projects in H.R. 2016. This deficiency, I am told, in funding is apparently the result of a lack of communications by the Army National Guard Bureau with the members of the Appropriations Subcommittee as to the priorities of the various projects requested by each State's Army National Guard. Reference to that matter was previously made a few minutes ago by the gentleman from Massachusetts. There is certainly a lesson to be learned by the Army National Guard Bureau from this process. I believe the Army National Guard Bureau must learn that it can no longer rely on the political connections of the past with respect to both the Congress and the Pentagon. It must also make more energetic efforts to directly communicate its needs and its priorities to the Appropriations Subcommittee.

This member recognizes the great difficulty the members of the subcommittee faced in formulating this appropriation bill. It is clear that extremely tight budgetary constraints made the job of the subcommittee much more difficult, especially when coupled with this lack of adequate communications by the Army National Guard Bureau.

It is my understanding that this unfortunate situation has resulted in the lack of appropriations for many worthy projects for the Army National Guard, including projects in the districts of the subcommittee members. I strongly regret that circumstance. This member, for example, requested the subcommittee's consideration of two military construction projects for the Nebraska National Guard. They should

have received strong consideration and bureau support, and I will expect that this deficiency will be corrected in the short-range future.

Mr. Chairman, in conclusion, this member would like to express his hope that this unfortunate situation is rectified by the Army National Guard Bureau and that a similar predicament is not encountered in the future by members of the Subcommittee on Military Construction of the Committee on Appropriations.

This criticism of the bureau has to be made, it seems to me, but it is offered by this member for constructive reasons. Therefore, I would hope that the bureau does not have any future sense of retribution for bringing this deficiency to the attention of the body.

I thank the chairman and the ranking member and all the members of the subcommittee for the outstanding job they have done on the bill they bring before us.

Mr. PACKARD. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM], a member of the full committee.

Mr. CUNNINGHAM. Mr. Chairman, I rise in support of the bill. I appreciate my colleague from California for the good work that he and the ranking member have executed on the bill. But I come to the committee with a concern. For the first time I visited West Point this year, just a couple of weeks ago. We have a facility built in the 1920's, and they put through 4,000 cadets a day in these facilities. My colleagues say, ''What does a Navy guy want to help the Army for?'' Because we train our men and women to go to war and they are hurting bad. The facilities are cracked, they are falling down in some cases, and this is what we have to offer the best of the best that go through? These rascals even had ''Beat Navy'' signs on their houses, on their bleachers, on their cars, and in their dormitories, but that does not overshadow the fact that I would like to appeal to the gentleman from California next year to go forward and take a trip there and he will see just how decimated West Point is in relation to our other academies.

Mr. HEFNER. Mr. Chairman, I yield myself 3 minutes in response to the gentleman from California [Mr. CUNNINGHAM]. For many, many years I have been on this Subcommittee on Military Construction. It has been our number one initiative to try to do what we can for quality of life and to help for retention for what we believe is the finest young men and women in the world in our Armed Forces. We have tried very, very hard to put the focus on quality of life, both in the authorizing committee and in the appropriations committee. But I must say, it has been very difficult over the years in both Democrat and Republican administrations, it always makes the request short of what is needed for quality of life for our military people. We have had some criticism in this particular bill that we are pork-barreling. But I do not think it is pork-barreling when we are doing the very best that we can with limited dollars for our men and women in the Armed Forces. The people who are so critical of us do not realize that we have had pauses, one year we did not have any money particular at all, we did no improvements in barracks and quality of life, and then we have had the only budget in this House that has been stagnant at best. We have actually lost ground over the last few budget sessions. We have done a good job, and the chairman has done a good job in putting together along with the staff what I consider a very, very good budget. I agree with my friend from California, it is absolutely terrible when we go to these bases, in some of them these young men and women are operating the most sophisticated weapons that man has ever devised and they are walking across unpaved parking lots and standing in showers up to their ankles to get a bath. This is absolutely not right. This should be a higher priority. This should be a real priority for any administration to do whatever is needed for quality of life for our men and women who lay it on the line, who make the sacrifice for their families. They certainly do not make a lot of money. If we are going to have a volunteer force, if we are going to count on retention and these young men signing up to stay and to serve their country, we are going to have to put more focus on quality of life for our troops. That is what we have tried to do in this bill. I think it is a bill that certainly, certainly merits the support of all the Members of this House.

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

Mr. PACKARD. Mr. Chairman, I yield myself 15 seconds to respond and certainly agree totally and wholeheartedly with the ranking member that just spoke. Certainly we need to retain the trained men and women that we have. We spend billions of dollars to train our men and women only to lose them because we do not have adequate housing, we do not have adequate facilities for them. That is atrocious. I also agree with the gentleman from California in regard to the need to improve our academies.

Mr. Chairman, I yield 2 minutes to the gentleman from Washington [Mr. NETHERCUTT].

Mr. NETHERCUTT. Mr. Chairman, I thank the gentleman from California [Mr. PACKARD] for yielding me this time.

I certainly want to express my support for this military construction funding bill and certainly want to commend not only the gentleman from California [Mr. PACKARD] but the gentleman from North Carolina [Mr. HEFNER] for their good work on this bill. I know the Subcommittee on Military Construction had less money to work with this year and they have done an admirable job of crafting a bill which increases the quality of life for American military personnel and makes important investments in our defense facilities.

As I heard the gentleman from North Carolina [Mr. HEFNER] comment about what is good and the gentleman from California [Mr. PACKARD] talk about what is good for our young men and women in the service, I want to give an example of this committee's work that relates to the Air Force Base and the Air National Guard unit at Fairchild Air Force Base in my district in Spokane, WA. Fairchild Air Force Base began in 1942 as an airplane maintenance depot, and then it became a B–29 bomber base after World War II. In 1976, it became the 141st Air Refueling Wing, it moved to Fairchild as a tenant unit, and it houses the KC–135s for the Air National Guard in hangars which were meant for World War II.

These hangars are large enough to cover most of the airplane, but not the tail and the fuselage. So for 20 years the rear end of these airplanes has stuck out in the open air. Whenever an Air National Guard mechanic had to go out and work on this airplane, he had to stand out in the cold, and it gets very cold in my part of the country in the wintertime.

I just want these two distinguished gentlemen to understand, and the rest of my colleagues to understand, too, that this has a very practical implication in my district because it is correcting a problem that has existed for years, and it really is a readiness issue and it is a service issue for these young men and women who work on these airplanes. So by modifying this Air National Guard hangar in my district, the whole plane is going to be under cover during the winter months and they are going to have maintenance be able to occur. That is just one example of some very important measures in this bill that improve the quality of life of our American men and women in uniform.

Mr. Chairman, I recommend support for this bill.

Mr. UNDERWOOD. Mr. Chairman, I rise in support of H.R. 2016, the Military Construction Appropriations Act. This bill aptly balances budgetary concerns with military concerns. In the process, quality of life issues are considered and addressed by this bill. I commend Chairman PACKARD and Congressman HEFNER for their efforts on this bill. They have done a superb job. This bill is the appropriations for military construction projects. But, I think it is important to understand that this bill is really appropriations for the infrastructure that supports our soldiers, sailors, airmen, and marines. This Bill also supports quality of life issues that are important to our men and women in service.

Like many Members with their own districts, I have remained aware of military construction projects for bases in my district. I am encouraged by the planned projects and recognize that these were planned by DOD and contributed to the military environment on Guam positively. The projects followed the normal budgetary cycle and now are close to final approval. However, DOD has also attempted to

request funding outside the normal budgetary process. This funding would be for construction of a DOD Dependent School on Guam. To characterize this properly, DOD first took actions in November 1996 regarding an education contract between DOD and the Government of Guam. They stopped payment. This clearly indicates DOD had the time to include appropriations requests for school construction during the normal budget cycle. In February of this year, DOD Comptroller Secretary Hamre testified before the Subcommittee on Military Construction that there were no current plans to establish DOD schools on Guam. However, there have been indications that DOD is seeking a congressional add for the project. This sends the wrong message. Local elected leaders in Guam have worked hard to open discussions with DOD regarding education issues, but have had little cooperation. Now DOD wants to change its own self proscribed timeline and establish DOD schools this year vice next year. I say let's keep the school year 1998 timeline. This will allow time for local education officials and DOD to discuss issues and will preserve the appropriations process.

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

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

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

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

The Clerk will read.

The Clerk read as follows:

H.R. 2016

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 the fiscal year ending September 30, 1998, for military construction, family housing, and base realignment and closure functions administered by the Department of Defense, and for other purposes, namely:

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $721,027,000, to remain available until September 30, 2002: *Provided,* That of this amount, not to exceed $71,577,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, NAVY

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $685,306,000, to remain available until September 30, 2002: *Provided,* That of this amount, not to exceed $46,659,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $662,305,000, to remain available until September 30, 2002: *Provided,* That of this amount, not to exceed $45,880,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $613,333,000, to remain available until September 30, 2002: *Provided,* That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as he may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further,* That of the amount appropriated, not to exceed $34,350,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, $45,098,000, to remain available until September 30, 2002.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, $137,275,000, to remain available until September 30, 2002.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, $77,731,000, to remain available until September 30, 2002.

MILITARY CONSTRUCTION, NAVAL RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, $40,561,000, to remain available until September 30, 2002.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, $27,143,000, to remain available until September 30, 2002.

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized in military construction authorization Acts and section 2806 of title 10, United States Code, $166,300,000, to remain available until expended.

FAMILY HOUSING, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $202,131,000, to remain available until September 30, 2002; for Operation and Maintenance, and for debt payment, $1,148,937,000; in all $1,351,068,000.

FAMILY HOUSING, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $409,178,000, to remain available until September 30, 2002; for Operation and Maintenance, and for debt payment, $976,504,000; in all $1,385,682,000.

FAMILY HOUSING, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and

maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $341,409,000, to remain available until September 30, 2002; for Operation and Maintenance, and for debt payment, $830,234,000; in all $1,171,643,000.

FAMILY HOUSING, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension and alteration, and for operation and maintenance, leasing, and minor construction, as authorized by law, as follows: for Construction, $4,950,000, to remain available until September 30, 2002; for Operation and Maintenance, $32,724,000; in all $37,674,000.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART II

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101–510), $116,754,000, to remain available until expended: *Provided*, That not more than $105,224,000 of the funds appropriated herein shall be available solely for environmental restoration, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART III

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101–510), $768,702,000, to remain available until expended: *Provided*, That not more than $398,499,000 of the funds appropriated herein shall be available solely for environmental restoration, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART IV

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101–510), $1,175,398,000, to remain available until expended: *Provided*, That not more than $353,604,000 of the funds appropriated herein shall be available solely for environmental restoration, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in Military Construction Appropriations Acts shall be expended for payments under a cost-plus-a-fixed-fee contract for work, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor: *Provided*, That the foregoing shall not apply in the case of contracts for environmental restoration at an installation that is being closed or realigned where payments are made from a Base Realignment and Closure Account.

SEC. 102. Funds appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds appropriated to the Department of Defense for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds appropriated in this Act may be used to begin construction of new bases inside the continental United States for which specific appropriations have not been made.

SEC. 105. No part of the funds provided in Military Construction Appropriations Acts shall be used for purchase of land or land easements in excess of 100 per centum of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except (a) where there is a determination of value by a Federal court, or (b) purchases negotiated by the Attorney General or his designee, or (c) where the estimated value is less than $25,000, or (d) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds appropriated in Military Construction Appropriations Acts shall be used to (1) acquire land, (2) provide for site preparation, or (3) install utilities for any family housing, except housing for which funds have been made available in annual Military Construction Appropriations Acts.

SEC. 107. None of the funds appropriated in Military Construction Appropriations Acts for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations.

SEC. 108. No part of the funds appropriated in Military Construction Appropriations Acts may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds appropriated in Military Construction Appropriations Acts may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations.

SEC. 111. None of the funds appropriated in Military Construction Appropriations Acts may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan, in any NATO member country, or in countries bordering the Arabian Gulf, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds appropriated in Military Construction Appropriations Acts for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Gulf, may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: *Provided*, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 per centum: *Provided further*, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense is to inform the appropriate Committees of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel thirty days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

SEC. 114. Not more than 20 per centum of the appropriations in Military Construction Appropriations Acts which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year.

(TRANSFER OF FUNDS)

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds appropriated to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were appropriated if the funds obligated for such project (1) are obligated from funds available for military construction projects, and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

(TRANSFER OF FUNDS)

SEC. 118. During the five-year period after appropriations available to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation ''Foreign Currency Fluctuations, Construction, Defense'' to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 119. The Secretary of Defense is to provide the Committees on Appropriations of the Senate and the House of Representatives with an annual report by February 15, containing details of the specific actions proposed to be taken by the Department of Defense during the current fiscal year to encourage other member nations of the North Atlantic Treaty Organization, Japan, Korea, and United States allies bordering the Arabian Gulf to assume a greater share of the common defense burden of such nations and the United States.

(TRANSFER OF FUNDS)

SEC. 120. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by

section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to be merged with, and to be available for the same purposes and the same time period as that account.

SEC. 121. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the ''Buy American Act'').

SEC. 122. (a) In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

(TRANSFER OF FUNDS)

SEC. 123. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program. Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 124. Notwithstanding any other provision of law, appropriations made available to the Department of Defense Family Housing Improvement Fund shall be the sole source of funds available for planning, administrative, and oversight costs incurred by the Department of Defense relating to military family housing initiatives and military unaccompanied housing initiatives undertaken pursuant to the provisions of subchapter IV of chapter 169, title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing, military unaccompanied housing, and supporting facilities.

□ 1845

Mr. PACKARD (during the reading). Mr. Chairman, I ask unanimous consent that the bill through page 17, line 21, be considered as read, printed in the RECORD and open to amendment at any point.

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

There was no objection.

AMENDMENT OFFERED BY MR. MCCOLLUM

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

The Clerk read as follows:

Amendment offered by Mr. MCCOLLUM:

Page 17, after line 21, insert the following new section:

SEC. 125. None of the funds appropriated in this Act or any other Act for any fiscal year may be used for military construction for the Naval Nuclear Power Propulsion Training Center in Charleston, South Carolina.

Mr. PACKARD. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. A point of order is reserved.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM] for 5 minutes.

Mr. MCCOLLUM. Mr. Chairman, I offer this amendment tonight out of a great deal of frustration because of what has gone on over the past several years regarding a small portion of the Navy's training center in Orlando, FL that was ordered closed in a base closure decision in 1995. That small portion is the Navy's Nuclear Power Propulsion Training Center. That center was directed in 1995 to be relocated to New London, CT to go along with the Navy's submarine and other nuclear facilities there. But in the process of the 1995 closure commission decision, a decision was made to keep open the submarine base in New London, CT, and as a result of that there was no place for the nuclear power school facilities that are now in Orlando to go there. The cost to go to New London, to build new buildings, to buy new land, to dig under the granite there was too great, and the Navy came back—and I said 1995, it was 1993—came back in 1995 and requested a redirect from New London to Charleston of this particular facility. And in 1995 I argued rather vehemently before that commission that the school should be kept in Orlando, not moved to Charleston; that it was not a cost-effective move and that the payback period, which is the way we measure these sorts of things, was going to be way too long.

But the rules of the game that the Base Closure Commission used at that time said, hey, we are going to look at this as though the nuclear power facilities have already been moved to New London, and then we are going to compare a move from New London to Charleston to a move from New London to Orlando; and the reality was it was a lot cheaper to move to Charleston from New London. But that was a total fiction. The reality is that the Navy's Nuclear Propulsion Training Center schools and so forth are still in Orlando this day.

So last year along the way with appropriated moneys that were put forward subsequent to that base closure realignment decision, they began to construct in Charleston earlier than anticipated on these new schools, and I asked the General Accounting Office for a report. The General Accounting Office came back. They have done, as far as I know, no other reports on base closure work. They have got some comprehensive work undergoing. But they were willing to do this on this one occasion because it did not seem right to them either; and in November of 1996, last year, they issued a report on this matter in which they described the fact that in reality, having looked at this matter, I was right all along; that the payback period was going to be 20 years in order to pay back the cost of the upfront maneuvering to make this move to Charleston. And the net bottom line is that 20 years is far in excess of any payback period for any base closure that I am aware of in 1991, 1993, or 1995.

Mr. Chairman, at any rate I am left with no recourse but to comment on this today and to seek redress to pull that funding back. We are otherwise going to waste a whole lot of money. It is $151 million to make this move to Charleston, unnecessarily being spent by the Navy right now. I am told that if we stop this process today, we could still save $80 or $90 million of that amount of money. There is no reason to have this new school being built there. There is no reason that it could not stay in Orlando in a containment facility, which was an alternative that was proposed and is considered, and in fact it is the logical thing to do in light of this General Accounting Office report which, as I say, corroborates what I am saying.

The Navy's excuse for not doing this, and I have talked to the Secretary of the Navy, is that we do have long-term recurring savings by making the move, and of course we do. Every base closure proposal has long-term recurring savings. The point is, though, that it takes more than 20 years in this move to pay back the upfront costs by those recurring savings, and anything greater than 8, 9, 10, 11 years is unheard of in base closures as far as payback period times are concerned.

Twenty years is way out of line, totally wrong. Unfortunately when the base closure laws were passed, there were no remedies for errors like this built into law. Once we got through the process, once an error is made, that seems to be finality. The authorizing committee did not have an open rule out here for me to bring this up to my colleagues under, and consequently I am here today having asked the Secretary of Defense to stop the money flowing, asked the Secretary of Navy to no avail, on more than one occasion, written letters, banged on the door of the gentleman from Colorado [Mr. HEFLEY] in the authorizing subcommittee, and find myself totally frustrated by the absence of an equitable and fair process to resolve this matter in the best interests of the taxpayers.

And while somebody can say, ''Well, you are arguing for your own district here,'' actually we got a great base reuse plan undergoing, and the Navy just yesterday concluded negotiations with the city of Orlando that I think will wind up being approved, so the issue is not that.

The CHAIRMAN. The time of the gentleman from Florida [Mr. MCCOLLUM] has expired.

(By unanimous consent, MR. MCCOLLUM was allowed to proceed for 1 additional minute.)

Mr. MCCOLLUM. The issue is not a question of what is best for Orlando. The issue is what is wrong with a base

move that should never have taken place, what is wrong with the fact that our laws do not provide a remedy for an error like this, and once one reads this General Accounting Office report that I will put in the RECORD at the appropriate time in the House of the Whole, it seems to me that the only reasonable remedy is for us to proceed with pulling back the money that was appropriated previously.

And so I would urge my chairman, though his point of order may be technically correct, to allow this amendment to proceed. It is the only remedy I know to stop this loss, unnecessary loss of money, and to remedy a base closure problem that really otherwise has no remedy that I know of that we can address.

The Navy's nuclear power facilities should remain in Orlando; the savings of money should be there. The move to Charleston makes absolutely no sense. A 20-year payback period is absurdly wrong, and the General Accounting Office report confirms the fact that we are wasting the taxpayers' money to make this move to some extraordinary measure that may be indicative of other problems, but I am only here to address the one tonight.

Mr. Chairman, I include the following for the RECORD:

U.S. GENERAL ACCOUNTING OFFICE,
NATIONAL SECURITY AND INTERNATIONAL AFFAIRS DIVISION,
Washington, DC, November 22, 1996.

Hon. BILL MCCOLLUM,
House of Representatives.

DEAR MR. MCCOLLUM: In response to your June 18, 1996, request, we compared the overall cost of moving the Navy's Nuclear Power Propulsion Training Center (NNPTC) to Charleston, South Carolina, with the cost of retaining the Center in Orlando, Florida. On September 25, 1996, we briefed you on the results of our work; this letter summarizes that briefing.

BACKGROUND

In 1993 the Department of Defense (DOD) recommended to the 1993 Base Closure and Realignment Commission that the Navy's Training Center in Orlando, Florida, which housed the NNPTC, be closed. Most of the Center's basic and advanced training activities would then be relocated to the Navy's Great Lakes Training Center in Illinois. DOD recommended that the NNPTC be relocated to the submarine base at New London, Connecticut, and that the submarines at New London be relocated to Kings Bay, Georgia. The Commission approved the recommendation on the Navy Training Center but did not approve the submarine relocation. As a result, costly new construction was required for the NNPTC at New London.

During development of its 1995 base closure recommendations, the Navy looked for a less costly location for the NNPTC and ultimately recommended the Naval Weapons Station in Charleston, South Carolina. The 1995 Base Closure and Realignment Commission approved the relocation. To date, the NNPTC has not been relocated. Retaining NNPTC at the Navy Training Center in Orlando was not considered because it had been approved for closure in the previous Base Closure and Realignment round.

RESULTS IN BRIEF

Our analysis of Navy cost data shows that moving the NNPTC to Charleston will require more in up-front investment costs than remaining in Orlando. This cost will take about 20 years to recover through reduced annual operating expenses. Keeping the NNPTC in Orlando would not require such a large up-front cost, but operating the Center would cost more per year in Orlando than in Charleston.

ESTIMATED COSTS OF RELOCATION AND OPERATION

Our analysis of Navy cost data shows that moving the NNPTC to Charleston would require $115.4 million more in up-front costs than keeping the Center in Orlando. It also shows that the annual operating cost at Charleston would be about $8.8 million less than at Orlando. Table 1 shows the estimated one-time and annual recurring costs of relocating the NNPTC to Charleston and the costs of keeping it in Orlando.

TABLE 1: DIFFERENCE BETWEEN ESTIMATED COSTS OF RELOCATING THE NNPTC TO CHARLESTON AND LEAVING IT IN ORLANDO

[Dollars in millions]

Cost category	Charleston	Orlando	Difference [a]
One-time:			
Construction and/or renovation	$125.6	$25.7	$99.9
Contract cancellation	.....	10.0	(10.0)
Relocation [b]	25.5	.....	25.5
Total	151.1	35.7	115.4
Annual recurring:			
Support	15.7	20.3	(4.6)
Housing	4.0	6.3	(2.3)
PCS [c] to follow on training	.....	1.9	(1.9)
Total	19.7	28.5	(8.8)

[a] This column shows the difference between the costs in Charleston and Orlando (numbers in brackets are savings).
[b] Costs of relocating personnel and equipment and separating civilian personnel.
[c] Permanent change of station.

We based the cost estimates in table 1 on Navy data. These estimates came largely from current budget data or data developed during the 1995 base closure and realignment process. The budget data has not yet been finalized and is subject to change. The data developed during the 1995 base closure and realignment process was certified by the Navy as complete and accurate when it was submitted. We believe that this data is the best available for estimating the relative cost differences between the two locations. Following is a brief explanation of each of the cost categories in table 1.

One-Time Costs. The major one-time cost of relocating the NNPTC to Charleston is for the construction of classrooms, bachelor enlisted quarters (BEQ), a galley, and an addition to the existing medical/dental clinic. A contract for construction of all these facilities except for the clinic was signed on August 13, 1996. We took the one-time costs from contract data and the Chief, Naval Education and Training (CNET), fiscal year 1998 budget submission to Navy headquarters. Relocation costs are those generally associated with any base closure. We took the relocation cost estimate from the fiscal year 1998 CNET budget submission.

The one-time costs for Orlando reflect actions that may have to be taken if the NNPTC remains in Orlando, that is, construction and renovation of existing BEQs to meet current DOD enlisted housing standards and cancellation of the Charleston construction contract. The estimated cost to construct and renovate Orlando BEQs came from Navy data developed during the 1995 base closure and realignment process. However, when the Navy will actually budget the $25.7 million to construct and renovate the Orlando BEQs is uncertain. We included the Charleston construction contract cancellation cost in one-time costs because the construction contract was awarded on August 13, 1996. Navy officials from the Southern Division, Naval Facilities Engineering Command, estimated that if the Navy cancelled the contract by December 31, 1996, the termination cost would be about $10 million.

Annual Recurring Costs. The estimated $15.7 million annual Charleston support cost is taken from the fiscal year 1998 CNET budget submission. The budget submission contains an estimate of the cost to support the training center once it relocates to Charleston. According to Navy officials, the budget review process is not complete, and the estimates are therefore subject to change. The estimate does not include housing costs for training center staff and married students. According to Charleston officials, on-base family housing will be available for all those that need it. Charleston officials estimated the cost of operating this housing to be $4 million annually.

We took the estimated Orlando annual support cost of $20.3 million from data the Navy developed at the request of the 1995 Base Closure and Realignment Commission. This estimate also does not include housing costs for training center staff and married students. According to Navy officials, no on-base housing would be available at Orlando, so housing would have to be obtained on the local economy. Navy data developed during the 1995 base closure and realignment process showed that the annual basic allowance for quarters and variable housing allowance cost at Orlando would be $6.3 million. Additionally, about half the students graduating from the Orlando training center would attend follow-on training at Charleston and incur permanent change of station costs. Again using Navy data, we estimated this cost to be $1.9 million.

PAYBACK PERIOD

Payback is the time in years before money spent on an action is recovered. Given the $115.4 million difference in the one-time cost of moving to Charleston versus the cost of remaining in Orlando, and the annual operating cost reduction of $8.8 million, it would take about 20 years to payback the difference in one-time costs. The Navy maintained that it would have to upgrade the BEQ at Orlando if they were to remain at that location. Therefore, we included this cost in our payback period estimate. You expressed concern about whether these renovations would actually occur and requested that we provide a separate payback calculation that deletes the renovation cost. That payback period would be about 27 years. To determine the payback period, we assumed that all one-time costs would be incurred in the first year and savings would begin to accrue in the second year. We also discounted costs to take into account the future value of money. We used a discount rate of 3.8 percent.

SCOPE AND METHODOLOGY

We based our review on documents obtained during meetings with officials from the Department of the Navy; NNPTC, Orlando; and the Naval Weapon Station, Charleston. We also reviewed documents on Navy and Base Closure and Realignment Commission work regarding the decisions in both 1993 and 1995 to relocate the Naval Training Center and NNPTC. We did not verify the Navy's data. We also visited the Naval Training Center in Orlando, Florida; the Navy's Center for Education and Training in Pensacola, Florida; and the Navy Weapons Station in Charleston, South Carolina.

We conducted our review between July and September 1996 in accordance with generally accepted government auditing standards.

AGENCY COMMENTS AND OUR EVALUATION

In commenting on a draft of this report, DOD agreed that moving the Navy's Nuclear Power Propulsion School [NNPTC] to Charleston will require up front costs and result in lower annual operating costs. DOD noted that the cost analysis prepared by the Navy for the 1995 Base Closure and Realignment Commission identified the costs for redirecting a move from New London to Charleston whereas our analysis focused on a direct cost comparison between Orlando and Charleston. DOD stated that without a mechanism to change the Commission's recommendation, the Department must implement it as directed. DOD also noted that both of our analyses showed that it is more cost effective to operate the NNPTC in Charleston. Our analysis showed Charleston had a lower annual operating cost but that it would take 20 years for this lower cost to payback the one-time up-front cost of moving to Charleston. DOD's comments are in enclosure I.

We are providing copies of this letter to the Chairmen and Ranking Minority Members of the Senate Committee on Armed Services and the House Committee on National Security; the Director, Office of Management and Budget; and the Secretaries of Defense and the Navy. We will also make copies available to others on request.

Please contact me at (202) 512–8412 if you or your staff have any questions about this letter. Major contributors to this letter were John Klotz, Assistant Director; Raymond C. Cooksey, Senior Evaluator; and Stephen DeSart, Senior Evaluator.

Sincrely yours,

DAVID R. WARREN,
Director, Defense Management Issues.

ENCLOSURE I

OFFICE OF THE
UNDER SECRETARY OF DEFENSE,
Washington, DC, November 20, 1996.

Mr. DAVID R. WARREN,
Director, Defense Management Issues, National Security and International Affairs Division, U.S. General Accounting Office, Washington, DC.

DEAR MR. WARREN: This is in response to your draft report: ''MILITARY BASES: Information Relating to The Movement Of A Navy Training Center'', Dated October 15, 1996, (GAO Code 709223/OSD case 1241).

The Department agrees that implementing the Commission's recommendation to redirect the transfer of the Navy's Nuclear Power Propulsion School (NPPS) from the Naval Submarine Base New London to Naval Weapons Station Charleston requires up front costs and will result in lower annual operating costs. The Department also agrees that the different methodologies used by the GAO and the Defense Base Closure and Realignment Commission to calculate implementation costs and savings result in different estimates of how long it may take to recover these costs.

The Navy prepared a separate Cost of Base Realignment Actions (COBRA) analysis for the BRAC 95 Commission to identify the costs for a redirect of the NPPS from New London to Charleston. This analysis included BRAC 93 funds cost avoidances due to the BRAC 95 recommendation to redirect the NPPS to Charleston instead of New London. The GAO analysis focused on the direct comparison of costs between Orlando and Charleston and did not include the cost avoidances identified by the Navy.

Regardless of the methodologies used or the differences in calculated costs and savings, both the GAO and the Department agree that it is more cost effective to operate the Nuclear Power Propulsion School in Charleston. Furthermore, without a mechanism to change the recommendation the Department must implement it as the Commission directed.

Thank you for the opportunity to provide the Department's comments on the draft report.

ROBERT E. BAYER,
Principal Assistant Deputy Under Secretary (Industrial Affairs & and Installations).

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POINT OF ORDER

Mr. PACKARD. Mr. Chairman, I certainly sympathize with the gentleman's concerns, but I must insist on my point of order against the amendment because it proposes to change existing law and constitutes legislating on an appropriations bill. Therefore it violates clause 2 of rule XXI.

The CHAIRMAN. Does the gentleman from Florida [Mr. MCCOLLUM] wish to be heard on the point of order?

Mr. MCCOLLUM. If I might, Mr. Chairman.

The reality is that this amendment deals with appropriations. It discusses that no funds appropriated in this act or any other act for any fiscal year may be used for military construction for a particular purpose. It does not deal with authorization. It deals with appropriations, and it deals with cutting off the funding sources that this Committee on Appropriations put forward and the House approved both in the past and in this Congress.

And so I would urge that it be germane. I believe that it is. I do not understand the anomalies that I am advised about this rule if it is ruled out of order. I think it should be in order.

Mr. PACKARD. Mr. Chairman, I request a ruling from the Chair.

The CHAIRMAN. The Chair is prepared to rule on the amendment offered by the gentleman from Florida [Mr. MCCOLLUM].

Because the amendment does not confine its limitation to the funds in the pending bill, but instead applies it to other acts and other fiscal years as well, it must be held to constitute legislation in violation of clause 2 of rule XXI.

The point of order is sustained.

Are there other amendments?

If not, the Clerk will read the final lines of the bill.

The Clerk read as follows:

This Act may be cited as the ''Military Construction Appropriations Act, 1998''.

The CHAIRMAN. If there are no other amendments, under the rule the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. CHAMBLISS] having assumed the chair, Mr. BARRETT of Nebraska, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2016) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes pursuant to House Resolution 178, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, 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 395, nays 14, not voting 25, as follows:

[Roll No. 250]

YEAS—395

Abercrombie	Brown (FL)	Davis (FL)
Ackerman	Bryant	Davis (IL)
Aderholt	Bunning	Davis (VA)
Allen	Burr	Deal
Andrews	Burton	DeFazio
Archer	Buyer	DeGette
Armey	Callahan	Delahunt
Bachus	Calvert	DeLauro
Baker	Camp	DeLay
Baldacci	Canady	Deutsch
Ballenger	Cannon	Diaz-Balart
Barcia	Capps	Dickey
Barr	Cardin	Dicks
Barrett (NE)	Carson	Dingell
Bartlett	Castle	Dixon
Barton	Chabot	Doggett
Bass	Chambliss	Dooley
Bateman	Chenoweth	Doolittle
Bentsen	Christensen	Doyle
Bereuter	Clay	Dreier
Berman	Clayton	Duncan
Berry	Clement	Dunn
Bilbray	Clyburn	Ehlers
Bilirakis	Coble	Ehrlich
Bishop	Coburn	Emerson
Blagojevich	Collins	Engel
Bliley	Combest	English
Blumenauer	Condit	Ensign
Blunt	Cook	Eshoo
Boehlert	Cooksey	Etheridge
Boehner	Costello	Evans
Bonilla	Cox	Everett
Bonior	Coyne	Farr
Bono	Cramer	Fawell
Borski	Crane	Filner
Boswell	Crapo	Flake
Boucher	Cubin	Foglietta
Boyd	Cummings	Foley
Brady	Cunningham	Forbes
Brown (CA)	Danner	Ford

Fowler
Fox
Franks (NJ)
Frelinghuysen
Furse
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Latham
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Serrano
Sessions
Shaw
Shays
Sherman
Shimkus
Shuster
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—14

Barrett (WI)
Campbell
Conyers
Frank (MA)
Markey
Minge
Oberstar
Paul
Rahall
Ramstad
Royce
Sensenbrenner
Stark
Upton

NOT VOTING—25

Baesler
Becerra
Brown (OH)
Dellums
Edwards
Ewing
Fattah
Fazio
Frost
Gejdenson
Gilman
Kanjorski
Lantos
Largent
LaTourette
Lowey
Murtha
Riggs
Schiff
Shadegg
Sisisky
Smith (NJ)
Solomon
Taylor (NC)
Yates

□ 1918

Mr. NADLER changed his 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.

COMMUNICATION FROM HON. RICHARD A. GEPHARDT, DEMOCRATIC LEADER

The SPEAKER pro tempore (Mr. CHAMBLISS) laid before the House the following communication from Hon. RICHARD A. GEPHARDT, Democratic leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, June 26, 1997.

Hon. NEWT GINGRICH,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 711 of Public Law 104–293, I hereby appoint the following individual to the Commission to Assess the Organization of the Federal Government to Combat the Proliferation of Weapons of Mass Destruction:

Mr. Tony Beilenson, Maryland

Yours very truly,

RICHARD A. GEPHARDT.

COMMUNICATION FROM HON. RICHARD A. GEPHARDT, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from Hon. RICHARD A. GEPHARDT, Democratic leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, June 26, 1997.

Hon. NEWT GINGRICH,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 806(c)(1) of Public Law 104–132, I hereby appoint the following individual to the Commission on the Advancement of Federal Law Enforcement:

Mr. Gilbert Gallegos, Albuquerque, NM

Yours very truly,

RICHARD A. GEPHARDT.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. COOKSEY). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. PICKERING] is recognized for 5 minutes.

[Mr. PICKERING addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

THE AMERICAN FAMILY FARM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. CAPPS] is recognized for 5 minutes.

Mr. CAPPS. Mr. Speaker, at this time of the year when we talk about corn being so high by the Fourth of July, I wish to talk briefly about the American family farm. The American family farm represents the heart and backbone of America. It reflects our values, our ideals, our heritage. Growing up in the heartland of this Nation in Nebraska, together with my brother Roger who is here today, I worked in farms and was surrounded by farms. The work ethic and the values I hold today stem from this upbringing. The community I now represent on the central coast of California actively participates in everything from cattle ranching to broccoli growing, to strawberry growing to wine cultivation.

This past week we celebrated our Nation's birthday. I participated in the Santa Barbara County Fair in Santa Maria, CA. The farmers there are worried about whether or not they will be able to pass their farms or ranches on to their children. Today's estate tax makes that very difficult, especially for these hardworking people in our district.

I strongly support efforts to protect the American family farm and provide estate tax relief for our Nation's hardworking farmers. Farmers and ranchers work long, hard hours over a lifetime to build their businesses. However, far too often the burden of costly estate taxes forces them to sell their land. This is especially prevalent in our district with soaring property values and continued suburban development. Not only do farmers and ranchers lose when their land is sold but we all lose. We lose open space, we lose a critical sense of community.

The American Farmland Trust just published a report entitled Farming on the Edge. This report lists farmlands on the central coast of California as one of the 20 most threatened agricultural regions in the Nation. The report warns that the U.S. population is expected to jump 50 percent by the mid-21st century and high quality farmlands will shrink 13 percent. During the same period the Nation could become a net food importer instead of a net food exporter.

Mr. Speaker, we just cannot allow this to happen. This is why I am supporting legislation to provide needed estate tax relief to our Nation's family farmers and ranchers. Fortunately this message is being heard throughout the country. Both tax bills on the House floor last month addressed estate tax relief. The President agrees and has made estate tax relief for family farmers and businesses one of his top priorities. I have cosponsored a bipartisan

bill introduced by the House Committee on Appropriations chairman, the gentleman from Louisiana [Mr. LIVINGSTON], my friend, to increase the tax exemption from the current level of $600,000 to $1.2 million. I ask my colleagues to join me in this effort.

Mr. Speaker, it is also important that we encourage young people to become farmers and to be trained and educated to exert leadership in agribusiness. We need to make sure that agricultural education is strong and that groups like Future Farmers of America, the 4–H, Agriculture Future of America are supported and strengthened. I am intensely proud that Cal Poly State University in my district is noted as one of the best institutions in agricultural education in the Nation.

This month as Congress grapples with monumental budget and tax bills, we must not forget about our Nation's family farmers and the pressures they face. We must make our Nation's family farms and ranches a priority and protect this vital ingredient of our American heritage. Family farming is an irreplaceable enterprise that we cannot afford to take for granted.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. RAMSTAD] is recognized for 5 minutes.

[Mr. RAMSTAD addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

CAPITAL GAINS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, I rise tonight to talk about the issue of indexing capital gains for inflation. I was very disappointed to recently hear that the President of the United States, Bill Clinton, opposed this, and he felt that this would be some sort of a time bomb that would explode the deficit.

I am very disappointed to hear him take this position because I believe very strongly that indexing capital gains for inflation is an issue of fairness. It is fairness to working people. It is fairness to the American taxpayer. And the best way to get this point across, Mr. Speaker, is to give an example.

Let us just suppose that 10 years ago you saved up $1,000 and you decided to invest in something. Let us say you were investing for maybe your daughter's college education, she was 8 at the time, now she is 18. And now today your thousand dollar investment was increased to $2,000. Well, you have got a $1,000 capital gain on that investment. And according to the kinds of tax policy that Bill Clinton would like, you would pay a capital gains tax on that $1,000. What we Republicans who support tax fairness say is that if inflation was such that that thousand dollars that you had 10 years ago is now only worth $500, then your real capital gains on that investment is $500.

□ 1930

It is not $1,000. And we should pay, Mr. Speaker, our 28 percent, or now, with our new capital gains reduction, it would be a 20-percent tax on the $500, and that is what we call indexing capital gains for inflation.

Now, the President says this is a time bomb that is going to explode the deficit. I feel compelled to talk a little bit tonight about why we are in the fix that we are in right here in Washington where we have these huge deficits, and it is spending.

It is not a problem with revenue. The American people have been sending more and more and more money to Washington, DC, and for years the deficits got bigger and bigger. It was not until the Republicans took control of this body that the deficits really started coming down.

Mr. Speaker, the problem is spending. As a matter of fact, when Ronald Reagan cut taxes in 1980, revenues into the Federal Treasury went up more than $400 billion. But the reason the deficit exploded is because this body, the Congress of the United States, the House of Representatives, doubled spending over the next 8 years, and that is where those huge deficits came from. If the Congress had held the line on spending, we would not be in the fix we are in today and we would not have a $5 trillion national debt, $18,000 for every man, woman, and child.

So when the President gets up and talks about this being a time bomb that is going to explode the deficit, what he is really saying to us is that he does not want to control himself, he does not want to control Washington when it comes to spending, and he wants to tax inflation. Our dollar is worth less, our investment is worth less because of inflation, but the President wants us to pay taxes on that.

I say, Mr. Speaker, that what we in the Republican Party stand for is tax fairness. And, Mr. Speaker, indexing capital gains is just an issue of fairness. If we have made that investment but inflation has eaten away at the value of that investment, we should not have to pay income tax to Washington, DC, for inflation.

Mr. Speaker, our tax bill is the right tax bill. It is a tax cut for the middle class, and it does provide badly needed capital gains reduction so that we can stimulate the economy and create good, high paying jobs well into the future. But what is very, very important, Mr. Speaker, is that we treat the wage earners all across America with fairness.

This indexing of capital gains, in my opinion, is a fundamental issue of tax fairness. It will not explode the deficit if this body controls themselves on spending, if they hold the line on spending. If the Congress of the United States can live within its means, we will keep the budget balanced well into future years.

The problem is not a deficiency of revenue for Washington, DC; the problem is, Mr. Speaker, too much spending.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. COOKSEY). The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings is in violation of the rules of the House.

NATIONAL YOUTH SPORTS PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. KIND] is recognized for 5 minutes.

Mr. KIND. Mr. Speaker, I rise today to report to my colleagues in the House about a terrific program that I had the pleasure to visit during our 4th of July recess last week. The program is the National Youth Sports Program, which is one of the Department of Health and Human Services', the Department of Agriculture's and the NCAA's best kept secrets, yet it is consistently one of the most successful, cost-effective, and influential programs helping youth in this country today.

National Youth Sports helps at-risk, economically disadvantaged children and teenagers build the skills and the confidence they need to tackle the tough challenges and also gives them something positive to look forward to over their summertime break.

Each summer 170 colleges and universities help shape the future of our youth through this program. We have all heard of summer sports camps where parents spend a lot of money to send their children to catch the eyes of local coaches. Well, National Youth Sports is completely different.

While the program, which is provided at no cost to the participants, offers sports instruction and activities, the name is perhaps a misnomer. Program staff members also teach life skills, such as alcohol and other drug prevention, gang resistance, good nutrition, personal health, science and math, and job responsibilities.

National Youth Sports also provides other direct services to the participants, such as USDA provided and approved meals, accident and medical insurance for each participant, and a medical exam before activities start.

What makes the program so successful and cost effective is the outstanding partnership that exists between the Federal Government, local civil organizations and civic organizations, private businesses, individual colleges and universities of the NCAA, and local law enforcement agencies. Because the program is designed to serve youth from

low income families, in fact approximately 90 percent of the participants at each of the 170 sites must meet U.S. poverty guidelines, those who become involved in the program know that they have a direct impact at helping at-risk youth make the right choices when confronting the challenges in their lives.

This more than anything is what I wish to convey to my colleagues here today. I am very proud to have 2 of the 170 universities, University of Wisconsin-La Crosse and the University of Wisconsin-Eau Claire in the congressional district that I represent, participating in this program every year.

If everyone here could have seen the look of enthusiasm that I saw in those kids' eyes when I visited the program last week, they would all realize the full value of the National Youth Sports Program. There are some truly amazing things being done in the program.

At the University of Wisconsin at Eau Claire, for instance, the staff has put together an exciting math and science curriculum that relies heavily on the use of computers. They have put together a challenging rope course to not only test individual athletic skills but also team building skills.

The University of Wisconsin-La Crosse program has entered into a partnership with the La Crosse Police Department that enables police officers to work in the program on a daily basis, infusing content from the GREAT Program, the Gang Resistance Education and Training.

Besides reporting about the National Youth Sports Program today, I also want to take a couple of seconds here today to commend a few of the individuals I met who make the program the big success that it is. At the University of Wisconsin-La Crosse, Mo McAlpine, Garth Tymeson, Joannie Lorentz, Phil Esten, Tim Laurent, Officer Roger Barnes, and Lieutenant Doug Groth of the La Crosse Police Department; and at the University of Wisconsin-Eau Claire it is Bill Harmes, Diane Gilbertson, Mary Maddox, and Brad Chapman.

There are many, many more staff and volunteers who devote countless numbers of hours at little or no compensation at all because they want to make a difference in young lives. They all bring a tremendous amount of enthusiasm, dedication, but also a concern for these children in our country.

The Federal Government's $12 million grant, which acts as seed money for the program, and the USDA's $3 million worth of donated food are a very wise investment in the future of our youth. In this environment of balanced budget negotiations, fiscal belt tightening and even tax cuts, the National Youth Sports Program is a program worth investing in and, I believe, worth expanding so we can provide the same opportunities to many more economically disadvantaged and at-risk youth in the country.

If we can find a way to provide money for an additional nine B–2 bombers, which during the course of a lifetime of those planes costs us roughly $27 billion, when the Department of Defense specifically requested that this country not allocate any additional money for more B–2 bombers, I think we can find a way to continue funding for this very worthwhile program.

That is why I ask my colleagues today to support this program. In fact, just one of those B–2 planes will finance the National Youth Sports Program for the next 250 years. Need I say more?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. GUTKNECHT] is recognized for 5 minutes.

[Mr. GUTKNECHT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

REPUBLICAN TAX PLAN FAVORS THE WEALTHY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, my Republican colleagues are obviously concerned that the media and the American people are beginning to understand that their tax plan heavily favors the wealthy and that, if their plan is made into law, it would explode the deficit. Rather than balance the budget, it would unbalance the budget, and that would really be a great tragedy since so many people have worked so hard to achieve this balanced budget agreement.

I believe that Congress should balance the budget, and I also believe that we can cut taxes responsibly and in a way that maintains the goals of continued balanced budgets beyond the year 2000. Democrats feel that any tax cuts should be targeted primarily to working Americans. Unfortunately, the Republicans have thus far been successful in cutting a large portion of the taxes for their country club buddies.

Republican tax breaks focus on big business, special interests and wealthy families, while limiting tax cuts for education and families with children. They offer million dollar tax exemptions instead of helping working families. Democrats, on the other hand, strongly believe that the Republican values from this debate are out of sync with the average American. Democrats and President Clinton have offered alternatives that make better use of the tax cut moneys and focus them on middle-income families.

Mr. Speaker, over the weekend Treasury Secretary Rubin released a report that better illustrates how the Republican proposals primarily benefit wealthy individuals over the 10-year budget window. In addition, Secretary Rubin expressed serious concern regarding the potential for the Republican tax cuts to explode the deficit.

According to the Treasury report, which examined the last year of the Republican proposals, only 38 percent of the tax cuts would be for middle class families under the House proposal, while 55 percent of the tax cuts would go to the affluent. The President's tax cuts, on the other hand, are targeted more to the middle class. Eighty-three percent of the tax cuts under President Clinton's proposal would be targeted to the middle class, and only 10 percent would be targeted to the wealthy.

Now, there was another study conducted by Citizens for Tax Justice, which illustrated that over half of the tax cuts will benefit those making nearly a quarter of $1 million and above. Someone making nearly $650,000 can expect to receive somewhere near $22,000 in tax benefits, while someone making $44,500 can expect only a few hundred dollars. And those in the bottom 40 percent of the income distribution, but still working families, can actually expect to pay more taxes under the Republican proposal, which certainly is not fair, in my opinion.

The differences in the Democratic and Republican approaches in this budget plan are clear, and I will continue to urge Republicans to wake up and listen to the American people. The Republican tax cuts focus on short-term profits and financial gains. Democrats emphasize investment in education to create a highly trained work force for the future.

Republicans penalize low-income workers by not cutting their taxes and also treating people who are working their way off the welfare rolls as second-class citizens. Democrats, on the other hand, believe that low-income workers should not be excluded from the tax cuts and are eager to assist welfare recipients in becoming productive citizens.

The contrasts are so clear, Mr. Speaker: Republicans have always favored the corporate tax breaks and the million dollar exemptions, while Democrats have been the fighters for the middle class. Again, the argument is no longer about whether we should balance the budget or cut taxes but about how we should do it.

I believe the Democrat approach is the right approach. It is certainly not too late. We are now in the process of reconciling the budget. The Republicans really have to move to lighten the burden on low- and middle-income families if they are to expect that the President is going to approve this budget. And they cannot break the promises that were made to working families as part of this budget deal.

That was the commitment, that this budget deal was going to balance the budget and that the tax cuts were going to be mostly for working families. And the Republicans have to live up to that commitment. So far they have not, but it is not too late, and I am hopeful that we will work in that direction and that we can come together on a plan that both balances the

budget and, at the same time, primarily helps working families.

That is the only fair way to do it, Mr. Speaker.

VOLUNTEERS AND OUR TAX DOLLARS AT WORK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. TIAHRT] is recognized for 5 minutes.

Mr. TIAHRT. Mr. Speaker, I believe that we are all aware that we need to balance the Federal budget, and the reason it is no longer being argued is because the Republican Party heard the cries of the American public who said we must balance the Federal budget. It really is common sense, but it has been a generation since we have balanced the budget.

For a long time the Democrats were in control and they did not even consider it, would not even consider a balanced budget. The same with tax relief. It was not considered until the Republicans got control and took the cries of the American people to the floor of the House and made them heard, and now we are talking about how big the tax relief should be and who should get it.

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And it is very clear that when you give $500 per child tax relief, that goes to the most poor as well as those who are making more.

Now when we talk about capital gains, the IRS has told us that tax relief in capital gains, 75 percent of the recipients will make less than $75,000. So there has been a lot of bad information about who is getting tax relief and who is not.

The Treasury Department is trying to manipulate the numbers to push more people into the wealthy category than actually exist there so they can focus on bogus numbers. But the truth is, the Republican Party is going to provide tax relief for middle-class people, for working poor, for people who need the tax relief. Because people do two things with their money once they get tax relief. They either spend it or save it. Both are good for our economy.

In an era when we are balancing the budget and we have limited spending, I think it is important that we take time to set national priorities. One of those national priorities that I think we need to set is the need for research for the gulf war illness that has plagued tens of thousands of our servicemen and women.

We really do not know how many Americans are affected by exposure to chemical warfare agents. Some 700,000 men and women served America in the gulf war. According to the Department of Defense, at least as a minimum, 20,000 soldiers were exposed to a chemical agent at Khamisiyah, according to the DOD. However, as many as 120,000 gulf war veterans may have been exposed, according to the CIA.

The real truth is we have no idea how many people are suffering from gulf war illness. We do not know how many were even exposed. And as time goes by, more and more of those are showing up with symptoms. According to the Journal of the American Medical Association, the symptoms are fatigue, joint pain, gastrointestinal complaints, memory loss, emotional changes, impotence, and insomnia. This is just some of what gulf war vets are living through every day. And so far, we have not given priority to finding the cure for this, finding the cure for our servicemen and women who served in the gulf war.

Thanks to people like Representative Dan Thimesch, from the 93rd District of the Kansas House of Representatives, he has brought this issue to my attention and to the attention of the entire State of Kansas, and made it a priority there that we address the needs of people who are suffering from this illness.

When we establish these higher priorities, we need to shift money. When we are trying to get to balance the budget, we have these priorities that we have so many efficient programs, so we need to take the money from inefficient programs and move it to higher priorities like curing Gulf War illness.

Americorp is one of those programs that is very inefficient. We all know that it was designed as paid volunteers. The problem that we are having in Americorp is that we cannot keep people on the job. They sign up, start drawing their pay, and then quit showing up to do their paid volunteer work.

According to the Corporation of National Service, the annual direct compensation package for an Americorp volunteer is $15,900. Now, if this is an accurate figure, this is more than 42 percent of what the young people with real jobs between the ages of 15 and 24 make every year.

Incidentally, the directors of the Americorp program do not even use the word ''volunteers.'' They prefer to call them ''members,'' because if you go to the dictionary and look up the definition of ''volunteer,'' you will see that there is nothing to do with pay. It is only when we get to a big government approach to volunteers that we decide to pay them to do what 89 million volunteers do every year.

In Kansas we had an interesting situation at the Cheney Reservoir. A dozen Americorp paid volunteers showed up to help clean up around the lake by request of the Cheney Lake Association. By the end of the first week, more than one half of the paid volunteers simply quit showing up for work.

In Colorado, Americorp built hornos. Hornos is a mud oven that was used by the residents of Colorado some 4,000 years ago to cook their food. But now this mud oven is available to travelers to stop by, collect some wood, cook their food in this primitive oven.

So Mr. Speaker, in conclusion, I would say that we need to establish higher priority, eliminate Americorp, and shift the money to curing gulf war illness.

AMERICA NEEDS REAL WELFARE-TO-WORK PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

(Ms. JACKSON-LEE asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE. Mr. Speaker, I think that what is expected of those of us who are honored by service in the U.S. Congress is simply telling the truth.

Let me start by telling the truth about the team who have guided the Sojourner. Let me congratulate them for not only their initiative but their talent, their creativity, and for raising up science as not only an art and a study but the work of the 21st century.

Might I add my congratulations, as a Member of the House Committee on Science, for the outstanding work that has been done out in California on behalf of this country and of the world. We should never shy away from knowledge.

Now I think it is equally important to address this whole question of taxation, the deficit, and, yes, welfare reform. Interestingly enough, as my Republican colleagues keep focusing on the deficit, the deficit, the deficit, let me remind them that the revenue flow in June, according to the Wall Street Journal, reflecting a continued healthy economy, could signal a deficit of $50 billion or less for fiscal year 1997. Hear me clearly, $50 billion, less than a third of the original Government forecast, and a fifth of the peak $290.4 billion deficit in 1992.

After the budget passed in 1993, on the clock of the Clinton Administration, that is why we now have only a $50 billion deficit. That needs to be made clear. Policies of a Democratic administration brought this deficit down.

What we have now, however, are all of the individuals who keep hollering about a so-called deficit now trying to cut those who are in need, particularly those who are moving from welfare to work.

Interestingly enough, as I went to an inner city district, my own, and asked those individuals on welfare and those who are the working poor, all of us agreed collectively that welfare is not the way to go, that there needed to be reform. We opened our hearts and our minds to the issue of welfare reform. But let me cite for my colleagues the inequities of the Republican workfare or welfare reform.

Geneva Moore, a 45-year-old in New York. She indicates that she is happy to work the 20 hours a week as she cleans up a dusty and dirty back lot of the housing project, but she has a little dignity. And the question becomes, as she cleans her shabby back lot of the Murphy consolidated public housing, is how she gets treated and what kind of training she gets.

Well, my colleagues, she is learning to sweep a lot. Are there a lot of jobs

for those who sweep a lot? I beg to ask the question, and say no. First of all, there is a question of minimum wage. I am glad the Democrats have convinced Republicans that those who work on welfare deserve the minimum wage. But you know what she does not get, Mrs. Moore, who has three children? She does not get the opportunity to ask for a brace for her back when she is lifting heavy trash cans, or boots and heavy gloves to protect her feet and hands from broken glass, crack vials, and junkies' needles.

Can she talk to a union organizer? Of course not. Can she get the dignity of a paycheck? Can she translate the sweeping of the shabby lot into a real job, which most Americans think workfare will bring about?

Moore and many others say that as long as she is doing work other people are hired and paid to do, she should not need to wait to be treated like a worker with the kind of benefits and kind of health care that she needs. She says clearly that these city maintenance workers, in particular in New York, they make $9 an hour. And while she does not, she says some of those workers drink coffee and remind her that she pays for their welfare check, creating a two-tiered, second-class citizenship when these so-called workfare individuals work alongside of the regular workers.

What about Hattie Hargrove, who used to work? She used to work and get benefits, but yet she was laid off by the parks department of New York. She had to go on welfare because she could find no job. And what is she doing in workfare now? Working in the city parks department with no benefits, alongside of those individuals who themselves will be downsized and soon to be unemployed?

We need to fix the welfare-to-work system. First of all, we need to recognize that we need the kind of jobs that will create opportunity for people to move from welfare to work, jobs that they can be hired for. We also have to recognize that we should not disadvantage low-income workers by attritioning them out and then putting in the work force people with no benefits, no ability to organize, no ability to understand and to be able to be protected against sexual harassment and discrimination. We are not giving dignity to these individuals who want to work, who want to be trained.

The other question is, if we truly want welfare-to-work, we need more child care, we need more moneys for transportation. And lastly, Mr. Speaker, let me say that the way to reform welfare is not to give big corporations the ability to run welfare like some States want to do, giving large corporations like Lockheed and others the ability to work welfare. And, lastly, we need to make sure that we give them the right kind of training, Mr. Speaker, in order to ensure that they get the right kind of jobs. Let us have real training and real welfare-to-work.

QUESTIONABLE DECISION BY THE CORPS OF ENGINEERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. STRICKLAND] is recognized for 5 minutes.

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

Mr. STRICKLAND. Mr. Speaker, I come to the floor tonight to express a sentiment. The longer I live and the more I am involved in public life, the more convinced I become that the ordinary citizen is at a great disadvantage when they come up against the heavy hand of government or the all-powerful reach of a large corporation.

Case in point: I represent many small wonderful communities in southern Ohio. One of those communities is located on the banks of the beautiful Ohio River. It is a little village called Chesapeake. In Chesapeake, OH, many citizens have chosen to build their homes and to locate on the river because they appreciate the community spirit and the quality of life there.

A few months ago, a large corporation decided they wanted to establish a barge fleeting facility directly across the river from Chesapeake, OH; and, so, they approached the Army Corps of Engineers for a permit to do so.

Early on, the Congressman who preceded me in this office asked the Army Corps of Engineers to demand and require an environmental impact study leading to a statement which would determine whether or not the citizens, my constituents in Chesapeake, OH, would be damaged as a result of this fleeting facility.

When I was elected, I also asked the Army Corps of Engineers to have an environmental impact study completed before granting this permit. Nearly 2,000 of my constituents signed a petition to the Army Corps of Engineers. I met with the Army Corps in Huntington, WV. I met with the Assistant Secretary of the Army in charge of civil works in my office here in Washington. I simply asked that my constituents be protected. I said that if this permit was granted, it ought not to be granted until a study was done to make sure that all of the factors that should be considered were considered.

A few days ago, the headlines appeared in a local newspaper which said, ''Corps Approves Barge Facility.'' And although I had been told that all the factors had been considered, I had been told that the aesthetic factors, property values, safety issues, recreational interference, water and air pollution, that all of these factors had been considered, it is my judgment that they were not and that the Army Corps of Engineers disregarded hundreds, even thousands of my constituents in order to support a large corporation.

This troubles me greatly. There is something wrong when ordinary citizens living in the small communities of this country do not get a fair shake. And I think the real attitude of the Army Corps of Engineers was expressed by a spokesperson who said recently, I quote spokesman Steve Wright of the Huntington office, said,

> Officials heard comments about the facility's effect on the environment, air quality and noise factors and the aesthetics of where this barge facility will be built.

And then he said, and I quote,

> The people in Chesapeake who have concerns about the aesthetics might want to consider that they are on a super highway of commerce.

This attitude sickens me, Mr. Speaker.

☐ 2000

It shows a callous disregard and insensitivity to American citizens who have a right to believe that their government and the agencies of their government care about them and are willing to protect them. I believe the Army Corps of Engineers needs a careful look. Perhaps their decisionmaking process needs to be reevaluated. Perhaps their funding needs to be reevaluated, because any time a part of this government shows disregard for American citizens, they have gone too far. They may have won this battle, but I believe that the Army Corps of Engineers has damaged itself. It certainly has damaged itself in the eyes of this Member of Congress. I will never feel as positive toward the Army Corps of Engineers or have the kind of respect that I have had in the past for the Army Corps of Engineers until they change their mode of operation and put the interests of ordinary American citizens above the interests of large corporations.

DEBT REDUCTION: WHERE WE WERE, WHERE WE ARE, WHERE WE ARE GOING

The SPEAKER pro tempore (Mr. COOKSEY). Under the Speaker's announced policy of January 7, 1997, the gentleman from Wisconsin [Mr. NEUMANN] is recognized for 60 minutes as the designee of the majority leader.

Mr. NEUMANN. Mr. Speaker, I rise this evening to bring my colleagues and the country as a whole up to speed on where we were, where we are now and where I hope we are going to in this country.

I left a very good job in the private sector. I had no experience in public life, I had no one I knew that was in politics and I left the private sector, I left a very good business, because of this picture and this chart.

What this chart shows is the growing debt facing the United States of America. This shows how much money our Federal Government has borrowed on behalf of the American people. It shows a pretty flat line from 1960 to 1980. The debt did not really grow very much from 1960 to 1980. But in 1980 forward, the debt has just grown right off the chart. I would just point out to the folks that are watching this evening that we are currently about here on

this chart. It is a very serious problem facing our country, and it is why a lot of us came here in the class of 1994. It is now the sophomore class. For all the folks out there that are watching going, ''1980, that's the year Ronald Reagan took over,'' they are blaming the Republicans for this, I say, ''OK, I am hearing you.'' For all the people out there that are saying, ''Well, the Democrats spent out of control in those years,'' that is OK, I am hearing that, too, because the parties have been blaming each other for this problem for the last 15 or 20 years.

I personally think it is time we stop blaming each other and figure out what we as Americans can do to solve this problem. The debt today stands at about $5.3 trillion. The number looks like this. I used to teach mathematics, we used to do a lot of things with this number in our math classroom. $5.3 trillion is the amount of money that the Federal Government has borrowed on behalf of the American people. Here is what we used to do in my classroom. We used to divide that number by the number of people in the United States of America to see how much it would be if each one were to pay off just their share of the Federal debt. It turns out the Federal Government has borrowed $20,000 in behalf of every man, woman and child in the United States of America or for a family of five like mine, they have borrowed $100,000.

Here is the kicker in this thing. The interest alone, just the interest on that Federal debt, we really owe that money to individuals who buy T-bills, to foreign countries. We saw the Japanese threaten to call their notes and the stock market plunge here a couple of weeks ago and I saw threats from the Chinese today that they were going to call in their notes. We actually owe that money to people and we are paying interest on it.

The interest alone for a family of five on average is $580 a month. It is not all in income tax. A lot of it they do not really see. It is like when you walk into a store and you buy a loaf of bread, the store owner makes a small profit on that loaf of bread and part of that profit gets sent out here to Washington and gets applied toward this interest. When it is all over and done with, an average family of five in the United States of America today is paying $580 a month in the interest on this Federal debt.

I would like to concentrate on what brought me here to Washington and talk about the past, and the people out there are a little cynical as we talk about some of these issues and for some reason they do not believe everything that they hear from Washington, D.C., and rightly so.

When I came to Washington, I was very frustrated because the people in Washington promised continually we were going to have a balanced budget. Then they promised another balanced budget and they raised taxes. They did all of these things supposedly to get us to a balanced budget, but the balanced budget never materialized.

I would like to start with this chart that shows the Gramm-Rudman-Hollings promises of 1985. This blue line shows the promises that were made by the Congresses then to get us to a balanced budget by 1991. The red line shows what actually happened. I emphasize again this is the past. This is pre-1995. This is 1994 and before. The promise was made to balance the budget. That is the blue line. The red line is what actually happened. Deficits ballooned.

So in 1987 they figured out they were not going to be able to follow this path, so they again promised the American people they would balance the budget and the blue line again shows the Gramm-Rudman-Hollings fix, but again we see the red line is what they actually did, and the deficits exploded.

The amazing thing to me is that the people in this community cannot quite figure out why the American people are so angry at Congress and at Washington. Here is the reason. Washington has repeatedly made promises to the American people that they were going to deal with this very serious problem, the growing national debt, and in the past, and I emphasize in the past, they were not able to accomplish their goal. So they made these promises back there in the late 1980s and the early 1990s. In fact, the deficits ballooned when they were supposed to be getting to zero.

In 1993, Congress got together and they decided what they ought to do to bring these deficits down and they passed the largest tax increase in history. Gasoline taxes went up, Social Security taxes went up, taxes on taxes went up, all taxes went up. All the people paid more taxes with the idea that somehow if Washington took enough money out of the pockets of people and brought it out here to Washington, somehow that would lead us to a balanced budget.

When we start talking about and thinking about the past, the people are very cynical because they have received promise after promise that we get to a balanced budget, and then in 1993 the people got together in this community, in Washington, and said well, the only way we can get to a balanced budget is to raise taxes and they passed the biggest tax increase in history. I emphasize again, this is the past. This is pre-1995, this is before the Republicans took over in the House of Representatives and in the Senate. This is the track record that had been laid down.

I would like to yield to the gentleman from Minnesota [Mr. GUTKNECHT], who is also going to talk a little bit about the past and how government spending happened in the past.

Mr. GUTKNECHT. I would like to thank the gentleman from Wisconsin. I have a chart of my own I would like to show. I really like the way we are going at this, by talking a little bit about where we were, where we are and where we are going. I think the gentleman is absolutely right.

I was home over the Fourth of July break. We were in about six parades, at a lot of community festivals, including Spam Jam, had a wonderful time in Austin, MN, on Saturday, but in talking to a lot of folks, there is a good deal of cynicism. On one hand I think they are very happy that they think that we are getting closer to a balanced budget, but they have had their hearts broken before.

I want to show this chart, and I hope people can see this, because what it shows is a history. Benjamin Franklin said, ''I know no lamp by which to see the future than that of the past.'' The track record of Washington and the track record of Congress over the last 30 or 40 years has not been very good. What this chart shows is between 1975 and 1995, the red lines show how much Congress spent for every dollar that it took in. What it really translates to on average between those years of 1975 and 1995, for every dollar that Congress took in, they spent $1.22. That is the bad news and it is the truth. But if we look at the blue lines, that is since the gentleman and I came to Congress. We said that we are going to change the way Washington works, we are going to make the Federal Government go on a diet, we are going to eliminate wasteful Washington spending, and we are going to balance the people's books.

I am happy to report that we are making real progress. If we look at these blue lines, there are two things that I think are good news. First of all, the amount that we spend in excess of what we take in is coming down dramatically, and frankly we are ahead of schedule. I think the gentleman may have another chart on that.

But if we look at it since we came to Washington, the average is about $1.075 as opposed to $1.22 over the last 20 years. So we are making progress, but I think the American people have every reason to be cynical. But as Patrick Henry once said, ''The price of liberty is eternal vigilance.'' The real critical path is that we stay on this path as we go forward.

The bad news is that if we had not made some serious changes in the way Washington works, if we had not been willing to make some changes both in entitlements and in domestic discretionary spending, the truth of the matter is we were going to absolutely consign our kids to a life of debt, dependency and despair and a lower standard of living. For the first time a growing number of Americans were saying that they believed that their kids would actually have a lower standard of living than they have enjoyed. That is just plain wrong. That is the essence of the American dream. The bad news is Congress had not done a very good job over the last 40 years. We have not done everything right. I certainly do not want to say that we have not made some

pretty serious mistakes, but I think on balance we are heading in the right direction. We have eliminated something like 289 Federal programs, we have saved the taxpayers in excess of $50 billion, and thanks to that, there is more consumer confidence. It is not just consumers, but there is more confidence on Main Street and on Wall Street and in the business community. We are seeing more investment, we are seeing more jobs, and so we are taking in more revenue. The real name of the game, you cannot tax yourself to prosperity. What we need is economic growth. As a result of the growth that we have seen over the last couple of years, yes, the deficit is coming down dramatically, we are on the right path, we are ahead of goal, we are under budget and we have got to keep the pressure on to stay that way.

Mr. NEUMANN. I would point out, the gentleman is kind of moving into the present. I would just like to sum up this picture of the past and then move forward into the present. When we sum up this picture of the past, I just keep coming back to this chart and I just keep thinking of these promises. This is where the deficit was going to get to zero in 1991, the Gramm–Rudman-Hollings promise of 1985 and this is what actually happened. The deficits exploded. Then they made a new series of promises to the American people. Again the deficits exploded.

The past is not a very good track record of keeping their commitment to the American people. So in 1993 what happened, biggest tax increase in American history. I think it is real important to point out that that tax increase passed in the House of Representatives by a single, solitary vote. Lots of people in this community knew that raising taxes, taking more money out of the pockets of the American people was not the right way to deal with this problem. It went over to the Senate and in the Senate that 1993 tax increase passed by a single, solitary vote again, and we got the biggest tax increase in American history as their plan as to how we could get this under control.

That brings us kind of to the present. The present I am going to define as from 1995 to now. I am going to define it as the time when the Republicans took over out here and look at just exactly how different it has been from before, from this picture of the past to what has been going on in the last 3 years. A lot of folks do not remember that in 1995, when the Republicans took over, we laid down a plan to balance the Federal budget, too. Our plan was a 7-year plan to balance the Federal budget. We are currently in the third year of our 7-year plan, and I think it is more than fair for the American people to look at our projections and see whether or not we have kept our word to them. So I brought a chart, and this chart shows what the projected deficit was, that is the red column, that was what was in our plan back in 1995. The blue column is the actual deficit. The first two columns here are 1996. That year is over and done with.

The first year of our plan, we were not only on track, but we were roughly $50 billion ahead of schedule. Contrast that to those charts I had up here before where they never hit the targets. First year, on track, ahead of schedule. Year 2, 1997, this fiscal year is about to end. This year we projected a deficit of $174 billion. The actual is going to be, we are now hearing, as low as $45 billion. Again over $100 billion ahead of schedule.

I think it is real important to note what happens. The government was projecting that it was going to borrow out of the private sector $174 billion. Instead, it borrowed $100 billion less, $67 billion, and maybe even less than that. What happens? When the Federal Government did not go into the private sector to borrow that money, that meant the money stayed available in the private sector. When the money was available in the private sector, that meant the interest rates stayed down and when the interest rates stayed down, of course, people bought more houses and cars, and when people bought more houses and cars, of course, that was job opportunities. So they left the welfare rolls and went to work and this is what has led to the strong economy that we have right now today.

We are now going into the third year. This is what we are spending our time on out here in Washington right now. We are in the third year of this 7-year plan to balance the Federal budget. The facts are in the third year, once again we will be ahead of schedule, ahead of what was promised back there in 1995, a strong contrast between the broken promises of the late 1980's and early 1990's and what is going on now, where we are not only hitting our targets but we are actually ahead of schedule. It is a very, very different Washington from what was here before 1995.

I will go a step further. I think we also need to contrast the tax increases of 1993, the other side's solution to this problem, with how we have gone about solving the problem. The other side said the only way we can hit these targets, the only way we can get to a balanced budget and reduce the deficit is to take more money out of the pockets of the people and bring it out here to Washington.

□ 2015

When the Republicans took over we said, ''No, no, that's not how we're going to do it. We're going to curtail the growth of government spending. If we curtail the growth of government spending, government doesn't spend as much, we should be able to get to a balanced budget without raising taxes.'' And in fact that is exactly what has happened.

This red column shows the average growth of spending in the last 7 years before the Republicans took over. Spending at the Federal Government level was going up by 5.2 percent. This blue column shows how fast it is going up, and I would point out that this is not the draconian cuts that the other side would like you to believe are going on. Spending was going up by 5.2 percent. It is now going up by 3.2 percent.

There are a lot of folks in this community, myself included, that would like to see this government spending go up by even less, but the point is it is still going up but it is going up at a much slower rate than what it was going up before.

Government spending has been curtailed. The growth of government spending has been curtailed to a point where we can both balance the budget and reduce taxes on the American people. That is the good news.

And I just point out for those that are interested in the inflation-adjusted dollars, before the GOP took over in 1995 spending was going up at an inflation-adjusted dollar increase of 1.8 percent. That has been reduced by two-thirds in the GOP plan.

So we have effectively curtailed the growth of government spending, not the draconian cuts that they would like us to believe, but curtailed the growth of government spending to a point where when we look at charts like these we see that we are not only hitting our targets but we are ahead of schedule, and we are now able to continue hitting our targets and remain ahead of schedule while at the same time reducing taxes on the American people.

And maybe we should throw it open to a little bit of discussion about these tax cuts. It is real important when we talk about the tax cuts that we realize we are still on track to our balanced budget, we are not breaking the agreements like they did in the past. We are certainly not raising the taxes like they did in 1993. In fact, we are on track to a balanced budget and reducing the taxes at the same time.

And here in this discussion about the present, let us just pause a little bit and talk about the tax reductions for the American people, letting the people keep more of their own money.

Mr. GUTKNECHT. If the gentleman would yield, let me go back to a couple of points, because again we understand why the American people are cynical. They should be cynical. But let us just talk about a couple of numbers, and I think you were the first one to really discover this, and in fact I think we should also point out that I think all of your charts have been verified by the Congressional Budget Office. I mean you did not make these numbers up. Those are the actual numbers, and the Congressional Budget Office is the nonpartisan, bipartisan group which is in effect the official scorekeeper for Congress.

So when we talk about budget numbers, when we talk about limiting the growth of Federal spending to 3.2 percent, that is what the Congressional

Budget Office says. And more importantly, another point that is many times demagogued is that we are making these huge cuts. The truth of the matter is Federal spending is still growing at faster than the inflation rate.

And what we said, I know when I first ran I said we could balance the budget if we would simply limit the growth of Federal spending to slightly more than the inflation rate, and still allow for those legitimate needs of the people who depend on the Federal Government and our legitimate needs for national defense and so forth. We can do all that and make room for a modest amount of tax relief for working families, and that is exactly what we are doing.

But you are the first one to really discover how much a difference we have actually made because, as you recall, back in 1995 we said that in fiscal year 1997, which we are in right now, this Congress would spend $1,624 billion. Well that, you know, is what we said 2 years ago, and that was legitimate, and I think those were honest numbers. The truth of the matter is this Congress is going to spend $1,622 billion. We are actually going to spend less money in this fiscal year than we said we were going to spend 2 years ago.

Now I would ask my colleagues and anyone else who may be watching this special order to ask themselves when is the last time that Congress actually spent less than it said it was going to spend. I cannot remember a time in my lifetime when that has actually happened.

You also mentioned something else that I think we need to really emphasize because I think the American people understand this, and frankly I had a very interesting meeting yesterday in my office with a gentleman who is very closely affiliated not only with our welfare system but with many people who are on the system, and I do not want to disclose his name because some of the things he said were very, very intriguing.

And I think the American people have been way out in front of this whole welfare reform debate for a long time because they know that if you encourage people to become dependent, unfortunately what you do is you make people even more dependent, and the tragedy of our welfare system has not been that it has cost too much money, although that certainly has been a byproduct. The real tragedy of the welfare system that we have in this country was that it destroyed peoples' initiative and it destroyed families, it undermined work and it undermined personal responsibility.

Well, the good news about not only our budget but our welfare reform plan which requires work, requires personal responsibility, encourages families to stay together; well, the President went on the radio the other day, and he said by his own admission there are over a million families that are no longer dependent on the welfare system in America today. That is an enormous victory, and I do not care if the President takes credit, I do not care if the Republican Congress takes credit, and I really think the American people should take credit. But that is an enormous victory, and again it is not about saving money, it is about saving people and it is about saving families and it is about saving children from one more generation of dependency and despair.

Mr. NEUMANN. If the gentleman would yield one second on the welfare issue, I was in a place in Kenosha where it was kind of a one-stop help find job and get them off the welfare rolls all at the same time, Kenosha, Wisconsin, and it was one of the most exciting conversations I have had in a long time, and it illustrates what you are saying. When people are on welfare they are depending on the Government for their raise, they are depending on the Government for everything they get.

In this place they were taking me around, they were showing me how people left welfare and got their first job. But they did not talk to them just about their first job after they leave welfare. They were showing them their second and third and fourth job, they were all the way down the line to where their fourth job would be and how much money they could earn as they move through this process.

In other words, if they were willing to take responsibility for themselves and work hard, they could actually get ahead in America. That is what made this Nation great, and it provides hope and opportunity for their families to live a better life than they thought they could. Well, they had only the government to rely on. What a wonderful statement as we look at welfare reform, to look at an organization that is showing people not only their first job, but what the potential is as they improve their lives and the lives of their family, looking at their second job and their third and their fourth job opportunities and how that improved lifestyle can make things so much better for their families.

That is what welfare reform is about.

Mr. GUTKNECHT. And frankly that is what many of our colleagues were talking about for a number of years before we came here. They were talking about moving away from the welfare state and to an opportunity society, and we are making real progress in that direction.

In fact, in meeting with particularly small business employers in my district, the biggest problem that I hear at virtually every stop is we cannot find people. We have; in fact I have had a number of businesses say we turn away business, we simply do not have enough good people to get the product out the door or to get the job done so we are turning away business, and is that not a wonderful problem to have? And that people with modest amounts of skill now are able to get out there to become self-sufficient.

And I have often said this, and I really believe this, that a job is more than the way you earn your living. A job helps to define your very life. It is about a sense of self worth. And what we are giving to over a million families today is something they did not have a year ago, and that is a job, a future, real hope and real opportunity.

And if I could I want to share one more story, I know that you go to schools often, as well as I do. I often go to schools, I read to kids, I listen to kids, and we can learn a lot sometimes from kids. And I was at a school a few months ago in my district, and one of the teachers, after the kids went home, we were meeting with the teachers. We were talking about welfare and what it has done to families and what it was doing in their particular school, and actually she was quite congratulatory.

She said, ''I think you guys are doing the right thing about welfare reform,'' and she said, ''I'd like to tell you a story. There was one of my students who came in. He has just started acting better.'' His behavior was better, he was carrying himself better, everything about him was better. His deportment was better, his studies were better, his grades were better. So finally the teacher said, ''You know, Johnnie, is there something different at your house?''

And Johnnie said, ''Yeah, my dad got a job.''

I mean it has an effect on families, and so by getting the economy moving stronger, by increasing consumer confidence, by getting Americans to believe once again that Congress can balance the budget, that we can live within our means and we can allow Americans to keep and spend more of what they earn, we have done a lot more than just balance the budget. It is about helping families to really have more hope in their futures.

Mr. NEUMANN. I think again we should emphasize that we are now talking about the present, what has happened from 1995 to 1997 and how things are different, and certainly the concept of able-bodied welfare recipients leaving the welfare rolls and going to work so they have hope and opportunity in their life is certainly significant. I think it is important that we continue to contrast the present to the past, to show how different it is now, in 1995 to 1997 through the present, to what it was before.

And remember the Gramm–Rudman-Hollings broken promises of a balanced budget versus now, where we are not only on track but ahead of schedule in our third year of our plan to balance the budget. And the tax increases of 1993, biggest tax increase in American history, passed in this institution by a single vote, went over the Senate in 1993; again it passed the Senate by a single vote. Taxes went up, the gasoline tax, social security tax.

I would like to just point out as we talk about these families and we think about our families out there, that not

only are we in the third year of a 7-year plan to balance the Federal budget and on track and ahead of schedule, we are also about to pass one of the biggest tax cuts, at least in the last 16 years and maybe ever, and we are doing that at the same time that we are balancing the budget. These tax cuts are very real.

And you know I hear all the demagoguing out in this city, and they try to muddy the waters to a point where nobody seems to understand. But you know what? I found out in Wisconsin they do understand.

A family of five that I see in church every Sunday, they got 3 kids, one headed off to college and 2 kids still at home. They are middle income folks, probably earning between $40,000 and $50,000 a year. They understand what these tax cuts mean. They know that for each one of the kids that are still at home they are going to get $500 back to put into an account.

And it was real interesting. I was having a conversation with the parent, and she said, ''When I get that $500 it goes immediately into an account to pay for their college,'' and that is what this is all about. They sure understand that they are going to get their $500-per-child tax cut.

And they also understand, the one that is off at college, the one that started college, they are going to get $1,500 to help pay the tuition at that college.

Now their son happens to be headed to the same college I think my daughter is headed to, so we sure understand about the cost of going to college. This family of 5, they may not have understood all this demagoguing that is going on out here, but they understood the idea that they were going to keep a thousand dollars, $500 for each of the kids at home, and get $1,500 help to pay for college; they understood that very, very well.

So when all the demagoguing is done out here in this city and the people actually see the money coming back or, better yet, it is their money, they get to keep their own money; when they see that actually happening, they are going to understand perfectly well that it is not about the demagoguing. It is about them keeping more of their own hard-earned money instead of sending it to Washington. It is about them knowing better how to spend their own money than the people in Washington, and that is what these tax cuts are about.

Capital gains, we started talking to some folks that had invested in some real estate, and they are thinking of selling the real estate, and some people that had pension funds, and virtually every American has some sort of a pension fund. When they cash in the pension funds, the capital gains reduction kicks in.

Before, if you would have made a $10,000 profit on your pension fund over a 15- or 20-year period of time, you would have sent the Government $2,800 out of that $10,000 profit. Now you only send them $2,000, you keep the extra $800 in your own house, in your own pocket.

That is what these tax cuts are about. They are about the American people keeping more of their own money in their pockets instead of sending it to Washington.

I would add one other thing to this, that the death tax is being reformed so that the estates that are being passed on from one generation to another are not being taxed again when someone dies, and that is very, very important as we look at what these tax cuts are really all about.

I see my good friend the gentleman from Florida [Mr. WELDON], has joined us.

Mr. WELDON of Florida. I thank the gentleman for yielding, and I want to thank you in particular for the hard work you do here on this budget issue. I think you have clearly stood out in our class as somebody who has worked very, very aggressively to rein in the deficit monster.

And I was sitting over in my office, and let me just add, by the way, that the gentleman from Minnesota [Mr. GUTKNECHT] as well has been doing a super job fighting for—and you know this is not just a fight for us. This is a fight for the working people all across America, working families who have trouble making ends meet, who do not know how they are going to pay for the braces, who do not know how they are going to pay for college when, you know, the little girl and the little boy who is getting big gets to that college age. How are they going to do it?

□ 2030

This is not about numbers. This is about families. This is about how American families are going to make ends meet.

I want to thank both of the gentlemen. I was sitting over in my office, and I was watching the charts they were displaying and the way they were explaining all of this. I wanted to come over here and just join in. I just want to ask a question if I can, I would say to the gentleman from Wisconsin [Mr. NEUMANN].

That chart that is on the floor there, if we could just put that up, I have a question about that. Mr. Speaker, I would ask the gentleman, is he saying that spending prior to our arrival in January 1995, when the 104th Congress got sworn in, when all three of us arrived, spending was increasing here at almost 2 percentage points ahead of the inflation rate?

Mr. NEUMANN. Yes. Yes. Spending was growing much more rapidly than inflation, almost twice as fast as the rate of inflation.

Mr. GUTKNECHT. Mr. Speaker, if the gentleman will continue to yield, in the last 20 years Government spending at the Federal level has increased to nearly double that of the national inflation rate. That had been the pattern. The gentleman almost quoted a good old farm fellow in my district who said it so clearly. He said, the problem is not that we do not send enough money in to Washington. The problem is that Congress spends it faster than we can send it in.

So raising taxes to try to balance the budget has never worked. What really has to happen is we have to limit the growth in spending, allow spending to increase but at a much slower rate, and we cannot only balance the budget then but we can actually allow American families to keep more of what they earn.

Mr. NEUMANN. There is a big danger in this chart. This is where some of our conservative friends look at this and they see that Government spending is still increasing faster than the rate of inflation. They look at this chart and say, why is Government spending still increasing faster than the rate of inflation? I personally agree with them. I would much prefer to see this even smaller than what it is.

But there has been a huge change in the growth of Government spending from what was here before and what is here now. It is this curtailing the growth of Government spending that has allowed us to be in the third year of our 7-year plan to balance the budget and be ahead of schedule, and now be able to come out to the American people and say, look, the budget is going to be balanced in 2000, maybe even in 1999, and we are going to reduce taxes.

Mr. WELDON of Florida. Mr. Speaker, if the gentleman will continue to yield, I think a lot of this gets right at the issue of what is right and what is fair. I rose on this floor over an hour ago and I was talking about the President's criticism of our decision to index capital gains to inflation. He is going around saying that is going to explode the deficit.

I just take real offense at him saying that, and some of his staff saying that, because the problem was created by too much spending. The charts that the gentlemen have put forward make that very, very clear. The issue of indexing capital gains to inflation is a very simple one. If you are a working man and you manage to set aside $1,000 for an investment, let us say it is for your children's college, you have an 8-year-old, and in 10 years they are going to be in college and that doubles in value to $2,000. But if inflation has been such that it has really only gone up about $500 in value, we say you pay capital gains on that $500. Bill Clinton wants you to pay capital gains on the whole $1,000 increase in your investment. In effect you are paying capital gains taxes to Washington, DC, on inflation.

I just think that is dead wrong and it is an issue of fundamental fairness. Likewise, it is just wrong and unfair for elected officials to come up here to Washington and to vote over and over again to increase spending and then throw up their hands and say we have to raise taxes to balance the budget.

Mr. NEUMANN. That is the past. That is 1993 that we were talking about, where they did literally throw up their hands and pass the biggest tax increase in history. I would just add, as we are discussing what President Clinton is throwing out here in these tax cuts, the other big argument going on here in the community is, if a person is not paying any taxes today, can they receive a tax cut.

In Wisconsin people start laughing when I ask that question. Of course, if you are not paying any taxes today you cannot receive a tax cut. But that is the other big argument in whether or not this tax cut package passes. If a person is paying no taxes today, the other side wants to give them a tax cut. It is not really a tax cut; what they want to do is send them a check, which actually becomes welfare.

So the other big argument, it is the indexing argument the gentleman mentioned, and the argument about whether or not a person who is not paying taxes should receive a tax cut. Most of our hard-working families that are paying taxes think it would be unfair for people not paying taxes to receive a tax cut. It comes back to this fairness issue.

Mr. WELDON of Florida. Mr. Speaker, if the gentleman will continue to yield again, I am aware that the President wants to do that. He wants to give the $500 per child tax credit that is in our bill to people who do not pay taxes, so it essentially amounts to $500 per child. We can call it a welfare check, we can just call it benevolence, but this is somebody who is not paying any taxes, no Federal withholding at all. He wants to turn around and give them the $500 per child tax credit.

I agree with the gentleman that the $500 per child tax credit should go to people who are paying taxes. It should not be turned into a welfare program.

One of the other things that is really bothering me about what the White House is doing is they are doing some very, very strange calculations on people's income. They are doing something that totally boggles my mind, where if you have a house and you have a family income of $30,000 a year, but if you lived on the street and you rented your house out for $500 a month, then they do $500 times 12 and they get $6,000 and they say, really, your family income is $36,000.

Mr. NEUMANN. Could the gentleman go through that once more? I want to make sure I understand it. If a family is earning $30,000 a year and they are living in this house, the Government does not say you are earning $30,000 a year. The Government, under the Clinton administration, is saying that if they lived in a tent in the backyard and rented the house out and then collected $500 a month, or $6,000 for a year, they are going to say that they have to count that rent toward their income?

Mr. WELDON of Florida. Let me just clarify, OK? It is not the Government in the sense that the Congress is not saying that, the Congressional Budget Office is not saying that.

Mr. GUTKNECHT. Not even the IRS says this. Only the Treasury Department uses this convoluted system called imputed income.

Frankly, I have to say, and I think I am a fairly well educated person, I was in politics before I came here, I had never heard the term ''imputed income'' before I came to Congress.

It is worse than just the $30,000 example. What they have done is taken a family at $44,000, they have assumed they could rent their house for $1,000 a year, which adds $12,000 to that income, brings them up to $36,000, and then they assume someone in that income bracket would probably have at least a $20,000 capital gain.

So they take someone who has approximately the median family income in the United States, and all of a sudden they have imputed them into the wealthy category, making more than $75,000 a year. It is one of the most convoluted, crazy things I have ever heard in my life, and yet only here in Washington can a crazy idea like that have any credence.

Mr. WELDON of Florida. Mr. Speaker, if the gentleman will yield further, only at 1600 Pennsylvania Avenue does that have any credence, because I believe people like the gentleman from Ohio, Mr. JOHN KASICH, and the gentleman from Texas, Mr. BILL ARCHER, do not use these kinds of convoluted figures.

Mr. GUTKNECHT. We actually had some Members of this Congress come before the House not too long ago and say, in effect, with those numbers, that our tax cut was targeted at the rich.

Mr. WELDON of Florida. If the gentleman will continue to yield, does he mean Members of the House of Representatives?

Mr. GUTKNECHT. Yes, colleagues of ours from States the gentleman would recognize.

Mr. NEUMANN. On the other side of the aisle, I might add. I think that is real important.

Mr. GUTKNECHT. The IRS does not use that. Frankly, in all of this discussion, and the gentleman from Wisconsin [Mr. NEUMANN] and I were talking, earlier, frankly, what we need to do is get, and I think the Senate Finance Committee already has an electronic work sheet on a web site and we hope to have it on a web site very, very soon, and we will have work sheets available, and perhaps by the next time we have a special order we can have a chart made up so average American families can calculate for themselves; do not take my word for it, do not take the Treasury Department's word for it, calculate it for yourself.

I will give a classic example. The same story. I came home a couple of weeks ago, there was a family going to a garage sale, they had three kids. That is $1,500 more they would have to spend. Those kids, when they go to college, it can be up to $1,500.

Do not take our word for it. We ought to have a work sheet, whether it is on a web site so people who have access could do that, or an actual written work sheet so people can calculate their own tax. It is not what it might be worth to somebody else, but what is it worth to the average family in the gentleman's district? To the average family in my district it is worth over $1,000 a year.

Mr. WELDON of Florida. Mr. Speaker, if the gentleman will continue to yield, that gets back to what I was talking about before. This is not about numbers. We tend to spend a lot of time here in Washington throwing around numbers, but this is really about moms and dads in Minnesota, in Wisconsin, in Florida, where I come from, having more money to buy clothes, to buy braces, to set aside for college education.

One of the points that I really want to stress is we, the Republicans in the House of Representatives and in the Senate, are delivering on a Clinton campaign promise of 1992 to provide a middle class tax cut.

One of the things that motivated me to run for Congress back in 1994 was that Bill Clinton had campaigned on ending welfare as we know it, and then just did not follow through on that. He campaigned on a middle class tax cut and he raised taxes. Of course, it did take us to pass welfare reform, and now we are following through on another Clinton campaign promise, to provide that middle class tax cut. Our tax cut is a middle class tax cut.

What boggles my mind is to have Members on the other side of the aisle get up day after day and tell us that, if we would just let them do the tax cut, that they would do a better tax cut. These are the people who raised taxes in 1993, who did not want to cut taxes in 1993, or 1994, or 1995, or 1992, or 1991. They want to increase spending, and increase spending, and raise taxes, and raise taxes.

For them now to come before this body, to come before the American people straight-faced and look us in the eye and say their tax cut would be a better tax cut, or their tax cut would really, truly be a middle class tax cut, to me is absolutely amazing.

It is the Republican Congress, the Republican Senate, and yes, we have been working with the administration on this, and this is a cooperative effort and he is agreeing to go along with us, it is a Republican initiative to finally deliver on the Republican promise of 1994 and the Clinton promise of 1992 to provide a middle class tax cut.

Mr. NEUMANN. Mr. Speaker, it is true, everything the gentleman is saying. But I think the most important outcome here is that it is good for the American people. That is what this is all about. The gentleman has gone back and hit on those past things. I think it is important.

We remember the broken promises, where Gramm–Rudman-Hollings is

going to get us to a balanced budget, and it did not happen; in 1993 where they said they were going to cut taxes but instead they gave us the biggest tax increase in history. And I think it is very important we contrast that to the present, and we look at the fact that we are fulfilling our campaign promises for 1994. We are actually doing what we told the American people we would.

I would like to kind of wrap up the discussion of the present and turn our focus to the future with this chart. This chart shows when we came here what the deficit stream was projected to be. Deficits were headed up over $300 billion. If we had come here and played golf and basketball instead of doing our job, this is where the deficit line would have gone. Twelve months in the yellow line shows how much progress was made. The green line shows our hope to balance the Federal budget. This is our Republican plan laid into place in 1995 to balance the Federal budget.

Mr. GUTKNECHT. That was the original 7-year plan.

Mr. NEUMANN. The original 7-year plan to balance the Federal budget. We were to get to zero in the year 2002. We are now in the third year, and it is important to note that the deficit is significantly under those projections. We are in the third year of a 7-year plan to balance the Federal budget and we are not only on track, but we are significantly ahead of schedule. It is very, very important to note the contrast between what was here before and what is happening now. We are laying down this track record so the American people can once again have some faith in this institution.

Mr. WELDON of Florida. If the gentleman will continue to yield for a question, Mr. Speaker, I want to look to the future. As the gentleman knows, I represent an area of Florida that includes the Kennedy Space Center, an area that has always had its eyes looking to the future.

The question I have for the gentleman is, I believe if we remain committed to our principles that that black line that is showing there will come down to the zero mark and we will have the budget balanced. If we stay true to our principles and hold the line on spending, we will actually start showing a very small surplus. Is that not correct?

Mr. NEUMANN. That is absolutely correct. I think the gentleman is coming to the significant question here of, after we balance the budget, then what? Is our job done?

Mr. WELDON of Florida. That was the question I wanted to ask the gentleman. Go ahead.

Mr. GUTKNECHT. If both Members will yield for a second, the gentleman from Wisconsin [Mr. NEUMANN] and I both serve on the Committee on the Budget. We actually have gotten the CBO and others to run some numbers. If our economic growth rate remains even close to the level it is at, in fact, it could drop dramatically from what the economic growth rate has been for the last year, we will balance the budget on our current path not in the year 2002, not in the year 2001. I believe, and I think the gentleman from Wisconsin [Mr. NEUMANN] will probably agree with me, we are going to balance the budget by the year 2000.

□ 2045

Frankly, it may even be 1999. I want to come back to one of the points you made. You said this is not just about numbers. We talk about 12.3 percent and 174 billion. It flies past most Americans like a Nolan Ryan fast ball. It is about people, but more important, I think what we are doing really is all about preserving the American dream for our kids. What kind of a country are we going to give to our kids? That is why it is important that we talk a lot tonight about the National Debt Repayment Act. You have spent an awful lot of time on this. You have an awful lot of cosponsors. That is where we are really headed in the future. That is why it is important.

I wonder if you would share about the National Debt Repayment Act.

Mr. NEUMANN. Mr. Speaker, I put another chart up here because I think it is important that we recognize the differences between the past and the present, but we also realize that once we get to a balanced budget we still have this $5.3 trillion debt. That debt is going to be passed on to our children if we do not do something about.

That brings us to the future. That brings us to, after we balance the budget, then what? The answer to that question is the National Debt Repayment Act. The National Debt Repayment Act does this. After we reach a balanced budget, it caps the growth of government spending at a rate 1 percent below the rate of revenue growth. It caps, after we reach a balanced budget, it caps the growth of government spending 1 percent below the rate of revenue growth. So if spending goes up by 4 percent, revenue goes up by 5, that creates a small surplus. That surplus is then used one-third to further reduce taxes and two-thirds to pay down the national debt.

So we create the surplus by capping the growth of government spending. We take one-third of the surplus, let the people keep more of their own money, additional tax cuts, two-thirds goes to repay the national debt. If we do that, by the year 2026 the entire Federal debt will be repaid in its entirety and we can pass this Nation on to our children debt free.

In doing so, when we repay the national debt, we are also putting the money back into the Social Security trust fund that has been taken out. Every year the Social Security system collects more than it pays back out to seniors in benefits. The idea is, we are supposed to be building this savings account, a savings account that, when we do not have enough money coming in, is where we are supposed to get the money to make good on payments to seniors.

The problem is, the money has not been going into that savings account. It has been spent on other Government programs. In fact, that trust fund, that Social Security trust fund, is now all part of this $5.3 trillion debt. So under the National Debt Repayment Act, we create the surplus after we have reached a balanced budget, two-thirds goes to repay the debt and, as we are repaying the Federal debt, we are also putting the money back into the Social Security trust fund. And we pay off the debt in its entirety so we can give this Nation to our children debt free. Instead of them sending $580 a month out here to do nothing but pay interest on the Federal debt, they can keep that in their own home in their own family and decide how best to spend their own money rather than sending it out here to Washington, DC.

Mr. WELDON of Florida. Mr. Speaker, if the gentleman will continue to yield, as I understand it, we are paying out about $340 billion to pay interest on that debt. So with your legislation, which I am a cosponsor of, not only would we be able to pay off the national debt and take that burden off of our kids and the future of our children and not only would we be able to provide more tax relief for working families, but we would no longer be paying these $300 billion a year interest payments; is that correct?

Mr. NEUMANN. That is correct. For a family of five, that translates into $580 a month to do nothing but pay interest on the Federal debt.

Mr. WELDON of Florida. In effect it is a win/win situation that taxpayers would get to keep more of their hard-earned money and we would pay off the debt and we would not have these big interest payments. And we would actually have more money within the Federal budget to pay for roads, for example, or say maybe a manned mission to Mars, for example?

Mr. NEUMANN. And do not forget the other part of that, that is that the Social Security trust fund is restored. It is so important to look at this because if the money is not in the Social Security trust fund, Social Security is bankrupt in the year 2012. So it also solves the Social Security problem at least through the year 2029.

Mr. WELDON of Florida. I am really glad you brought this issue up, the National Debt Repayment Act, because that was one of the reasons I came over to join you and Mr. GUTKNECHT. I want to thank you for allowing me to join you in this conversation. I think it has been very informative.

Mr. GUTKNECHT. Mr. Speaker, I just want to talk a little bit about the National Debt Repayment Act. A lot of people I think are going to look at this and some of our critics on the other side of the aisle will say this cannot happen. I want to remind them, these are the same Members who said we

cannot balance the budget, we cannot reform welfare, we cannot reform Medicare, we cannot reform the Medicaid system. We cannot do all of that and balance the budget and provide tax relief. And yet we are proving that it can be done.

And what the National Debt Repayment Act shows is that by again just limiting the growth modestly of Federal spending, and I think I am correct in this, Federal spending under the National Debt Repayment Act will still continue to increase. We are not talking about pulling the rug out from senior citizens and people who need legitimate services from the Federal Government. Spending will still go up.

Mr. NEUMANN. Faster than what I would like, I might add. But absolutely. Spending would still go up and could go up faster than the rate of inflation. It is important to remember that revenues to the Federal Government grow because of real growth in the economy but also because of inflation. So it is really kind of two things happening simultaneously. Revenues, in fact, increase.

Mr. GUTKNECHT. Show that chart. I think people are astonished when people see the numbers, the average Federal revenue growth over the last 17 years.

Mr. NEUMANN. The average increase in revenue to the Federal Government over the last 3 years was 7.3 percent. Inflation is only 2½, 3 percent. So it is going up at over twice the rate of inflation. Revenue to the Federal government. This is the amount of money that came in this year compared to last year; 5-year average, 7.3 percent increase; 10-year average, 6.2; 17-year, bottom line revenue to the Federal Government has been growing at a very significant rate over the last 17 years. It has not been revenue that is the problem. The problem has been spending that is out of control. This chart also shows that the budget agreement that we signed, a lot of people said it was pie in the sky, it was not.

Mr. GUTKNECHT. It was rosy scenarios.

Mr. NEUMANN. The budget agreement only projects a 4 percent growth. I think it is real important to see that 4 percent number next to these numbers, what has actually been happening. It is very, very conservative. In fact, I asked the question, if revenues grow by 6 percent instead of 4, what happens? In fact we find that we have a balanced budget by the year 2000. We run a surplus in the year 2000. That is when the National Debt Repayment Act would kick in, two-thirds of that surplus goes to pay down the debt, one-third goes to reduce taxes even further for the American people. And that is what this is all about.

I think maybe we should conclude or start to wrap this up by just kind of briefly going back through the past, the present and the future. I always use this chart to talk about the past because I think it says it better than anything else we have. During the late 1980's and early 1990's, the American people were promised a balanced budget. This blue line shows how it was supposed to work. Deficits exploded. In fact we did not follow the blue line. They never hit their targets. They said, in 1987, we will fix that. And they gave the American people another whole series of promises, and they never hit that target either. The American people got cynical.

In 1993, they looked at this picture and they said, well, we sure cannot curtail the growth of government spending. The only thing we can do to get this under control is to reach into the pockets of the American people and collect more taxes. So in 1993, by a single vote in the House of Representatives and a single vote in the Senate, they passed the biggest tax increase in American history and they thought that was the only way to reduce the deficit. The American people responded in 1994 and said we have had enough of this. We do not like those broken promises. We do not think you need more of our money. You are already getting enough of our money out there in Washington. They sent a whole new group of people out here and the GOP took over control of Congress.

We are now in the third year under Republican control of Congress. In the third year of our plan to balance the budget, the contrast is so stark. The first year of our plan we promised a deficit, of our 7-year plan, we promised a deficit of $154 billion. It was actually 107. First year on track, ahead of schedule. Second year Republican control, second year of our 7-year plan to balance the Federal budget, we promised a deficit not greater than 174. The deficit was 67. Second year on track, ahead of schedule. Third year is what we are debating right now, deficit promise of 139, it will be under 90. Third year of a 7-year plan on track and ahead of schedule.

Notice the stark contrast. Not only are we on track and ahead of schedule to produce what we promised the American people, a balanced budget, we are not only on track and ahead of schedule, but we are also letting the American people keep more of their own money. That is the tax cuts. Five hundred dollars per child, $1,500 to help go to college. Capital gains coming down from 28 percent to 20 percent. Reducing the death tax so families can pass on their estates to their children.

These are all things that are now coming about at the same time we are staying on track and ahead of schedule to balancing the budget. This has all been done not with the old theory, the 1993 theory that the people rejected in 1994, the idea that we have to raise taxes. This is all being done at the same time that we are lowering the taxes on the American people. It can happen. It is working beautifully. The American people are responding, the economy is responding in a very, very positive way. The future, that is past, present, the future after we get to a balanced budget, we have still got a $5.3 trillion debt.

The National Debt Repayment Act, after we reach a balanced budget, will cap the growth of spending at a rate 1 percent lower than the rate of revenue growth. By doing that, we can then create a surplus. With that surplus, two-thirds goes to reducing the Federal debt, one-third goes to additional tax cuts. We can pay off the entire Federal debt under this plan by the year 2026 and pass this great Nation of ours on to our children completely debt free. So instead of having to send $580 a month to pay interest on the Federal debt, our families can, in the year 2026, just keep that money in their own home, put it away to save for their kids' college or send them to a better school or buy a better house or better car, whatever they see fit, but not send the money out here to Washington.

The National Debt Repayment Act then, the future, caps the growth of government spending at a rate 1 percent below the rate of revenue growth. Takes two-thirds of the surplus and uses it to repay debt and the other one-third to reduce taxes even further. And as we are paying off the Federal debt, it is important to remember that also will restore the Social Security trust fund money. All the money that has been taken out would be returned to the Social Security trust fund under the National Debt Repayment Act. That is a vision.

That is what this is all about. Broken promises of the past, the tax increases of the past, those are days gone by. The American people rejected those ideas in 1994. In 1995, through the present, we are now in a situation where we are in the third year of a 7-year plan to balance the budget. We are on track and ahead of schedule. We are letting the American people keep more of their own money. It has been done by curtailing the growth of government spending as opposed to raising taxes on the people. The future holds very bright prospects for our children. It holds us paying off the Federal debt, reducing taxes even further, and making sure the Social Security trust fund is solvent for our senior citizens.

Mr. GUTKNECHT. Mr. Speaker, I think our time has about expired. I think you have summarized very well where we were, where we are and where we are going. The negative naysayers said you cannot balance the budget, you cannot provide tax relief, you cannot reform welfare, you cannot save Medicare, not all at the same time. Well, it is happening.

This chart illustrates very clearly where we were. For the last 20 years, we spent, this Congress spent $1.22 for every dollar they took in. We are now spending less than $1.04 for every dollar we take in. We are making real progress. We are on the right track. The American people understand that. And we are going to balance the budget and let people keep more of what they earn.

Mr. NEUMANN. I want to wrap up this evening with a tribute to a church that I attended twice in the last 3 days here. The church held a very special service and they put in a huge amount of effort. A little church in Williams Bay. It is Calvary Community Church. What they did is they held a special worship service on two nights to honor our veterans. When I went there the first night, the church was absolutely packed. I got there about a half hour before the service started. There were 900 people there. I could not believe it. I walked in the place. It was absolutely jam-packed. All American citizens there to pay tribute to our veterans. What better place could they be to celebrate the Fourth of July weekend?

I went back the second night, my wife and I. Sue and I were driving over to the church service and we said, they cannot possibly have 900 people in this church again the second night in a row. They had 900 people the second night in a row. What that does for me is it reinvigorates me, gives me hope for the future of this great country.

We saw in two nights 1,800 people turn out to a church to pay tribute to the veterans that have done so much to give us this great Nation that we live in. I thought that would be a fitting way to wrap this discussion up this evening because they have done so much in the past to give us this great Nation that we live in today. It is now our responsibility, our awesome responsibility to do the right thing so that our children receive a better Nation than we received, so that we live up to our responsibility to pass this Nation on to the next generation in a fiscally sound way, a way that they can also look forward to living the American dream, hopes and dreams for their families and for their children and their grandchildren. That is what this is all about.

ON TRADE

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). Under the Speaker's announced policy of January 7, 1997, the gentleman from Michigan [Mr. BONIOR] is recognized for 60 minutes as the designee of the minority leader.

Mr. BONIOR. Mr. Speaker, I cannot help but comment on the discussion that we have just had here before I talk about trade, because I think it has a distorted view of history. I would like to correct my colleagues who just spoke by reminding the American people that in 1993, when the Clinton administration took office, they inherited a $300 billion annual deficit from the Republicans.

□ 2100

Three hundred billion. And, of course, in 1993, we passed a very important budget that has worked in several ways:

It has eliminated literally hundreds of government programs. It reduced the Federal work force by 250,000 people, I believe. We have the lowest Federal work force since John F. Kennedy, the lowest Federal work force today. And it also brought the deficit down from the Bush Republican number of $300 billion annually down to about 65 this year, every year reducing that budget deficit. And not one Republican voted for that 1993 budget deal that basically has brought us into balance.

So when my friends speak of spending, they have this convenient amnesia about their policies and how it was in the 1993 bill that we were able to finally get some control to the point now where our debt relative to our gross domestic product is the lowest of any Western developed nation in the world today.

I want to turn to another subject, if I could, this evening, Mr. Speaker, and that is trade. I will be joined hopefully by a few of my colleagues to talk about the North American Free Trade Agreement and its effects on the people of Mexico and the United States over the past 3½ years.

We are engaging in this discussion because sometime this fall, we think, Congress will be asked to approve something that is known as fast track. Now, people are out there saying what is this fast track that he is talking about; is that some kind of a Washington special lingual term that is out there to confuse the rest of us? Well, fast track is an authority that the Congress surrenders to the administration to make a trade deal. Fast track forces Congress to accept or reject an entire trade agreement rather than allowing us to improve upon the agreement that is reached by our trade negotiators with other nations.

The administration wants fast track, all administrations want fast track, in order to expand NAFTA to other nations in Central and South America. What we are saying is that, before we rush ahead to expand NAFTA, we should understand the effects it has already had on the workers in the United States and in Mexico.

I try to use the analogy that, if our house has a flooded basement, our roof is burning and we have chaos in our house, we do not decide to build an addition to the house. We decide to take care of these problems that we have before we pass on improvements to our house. The same is true with our trade agreement.

We will see much analysis of NAFTA over the next couple of weeks, starting later this week, when the administration is going to release a report on NAFTA, and we will discuss that a little later this evening. What I would like to discuss now is the remarkable election that took place on Sunday in Mexico.

Mexico is our neighbor. There are good people in Mexico, hard-working people, people who are struggling, people who have had a very difficult time with human rights and democracy. Elections have repeatedly been stolen in Mexico.

They had a very important election on Sunday. There were over 100 million people in Mexico. Opposition on both the left and the right of the ruling Institutional Revolutionary Party, or PRI, as it is called, these opposition parties scored significant victories, victories that will unravel nearly 70 years of one-party rule in Mexico. And the biggest one ever was the Party of the Democratic Revolution, which is a party that is headed by Mr. Cardenas, who was overwhelmingly elected the mayor of Mexico City. And by the way, this is the first time they allowed the second most powerful position in Mexico, the mayor of Mexico City, to be elected.

This election was significant for many reasons, but I want to focus on two of those reasons this evening. Most people agree that the conduct in the election on Sunday was not perfect but that it was by far the fairest national election conducted over the past 68 years in Mexico. This was the first real chance that the people of Mexico have had to see their ballots actually tallied and counted and not discarded or misplaced somewhere.

The voters rejected the PRI. That is the 70-year ruling party. They protested its economic policies and they bravely chose change. Now, in the past, they have chosen change, but their ballots were not counted and elections were stolen from the people, and it was done on a regular basis. The most notable example was the Presidential election in 1988, not too long ago, in which most people believe that Cardenas handily beat Carlos Salinas only to have the apparent victory snatched from him by the PRI massive electoral fraud.

In that election Cardenas' phones were tapped, his top aides were murdered, and the government halted the vote count on election night and declared Salinas the winner. Over the next 6 years, as many as 500 Cardenas and PRD activists were murdered in an attempt to intimidate and silence the opposition. That is a startling, startling number. Five hundred of his supporters and activists were murdered by the ruling party.

What amazed me through all of this was the acceptance of Carlos Salinas in America as some kind of savior, an intellectual, elite, smart, sophisticated individual. He fooled the entire elite intellectual community in this country.

It has been said in Mexico that the PRI governed not from the ballots of democracy but from the bullets of revolution. It has also been called the perfect dictatorship by one of the great writers of Mexico, Octavio Paz. It was only a matter of time before these misdeeds of the PRI caught up with them, and on Sunday these misdeeds did catch up with them.

While many people will try to characterize the vote on Sunday in Mexico as only being significant because it produced a major shift in power away

from the PRI, anybody who watched that election and listened to that election and analyzed that election and saw what the Mexican workers were going through, and I will describe that in a second, will understand clearly that this was significant because the Mexican people felt their economic situation needed to be changed.

A major factor in the ascension of the PRD and Cardenas has been their economic program. Many people here probably believe that all of Mexico supported NAFTA, and that the loss of American jobs has greatly benefited Mexico. But that is not the case at all. In fact, it is just the opposite. The very few at the top, in our country and in Mexico and to some degree in Canada as well, have benefited well, but the majority of people, 80 percent of the American people, probably higher than that in Mexico, have suffered as a result of what I consider one of the worst treaties this country, if not the worst, has ever put together.

Now, let me talk about what has happened there, because Mexico has been devastated since NAFTA through an economic crisis triggered by the devaluation of their peso, which we argued was going to happen when we debated NAFTA on this floor, and also by the PRI government policies that benefitted investors at the expense of the working people in Mexico. And, of course, investors were benefited in the United States at the expense of our workers.

The PRD and Cardenas agree that NAFTA and the economic policies of the existing ruling party there, the PRI, are not working. They favor changing NAFTA to make it fair to workers in all three countries. In order for NAFTA to work, according to its opponents, we had to build a consumer market in Mexico.

The idea was that we will have this free trade and the people that are producing things in Mexico will increase their salaries, and when they increase their salaries they will be able to buy more products from us, more consumer products, and everything will kind of just bubble up. Well, the opposite has happened. Everything has sort of bubbled down.

That means ensuring that Mexican workers, under this theory, had jobs at wages in which they could afford to buy United States products. But, as I said, just the opposite has happened. The lives of millions of people in Mexico have been devastated, thanks in part to NAFTA, to the economic crisis precipitated by the peso devaluation in 1994, and to the wage controls forced on workers by the existing Government and the businesses and official labor unions it controls.

There was a concerted effort, since 1980 basically, where the corrupt labor union in Mexico, which lost its leader, by the way, a man who was 96 years old, who passed away, and maybe there is hope for change now, but he was in cahoots with the investors, the business elite, the foreign investors and the Government to keep wages low. The effects of these failed policies on workers in Mexico has been staggering. It has been staggering. That, in turn, had smoked out NAFTA for what it really was about, giving corporations investment guarantees in Mexico and then solidifying the role of the maquiladora region in Mexico, that is the area along the United States-Mexican border, and California, Arizona, New Mexico and Texas, solidifying the role of this area called the maquiladora region as an export platform.

What does export platform mean? That means people produce to ship right back into this country. United States companies are shifting jobs to Mexico, paying Mexican workers about 10 percent of what American workers were being paid and are shipping their products right back here to the United States. The toll of this on Mexican workers has been severe. The gap between Mexico's richest and their poor has been rapidly expanding, as I might add, as it has been in the United States. Our gap between the rich and the poor in this country is growing ever more every year, every 4 or 5 years. It is expanding to an all-time high today.

Twenty-eight thousand small businesses have failed in Mexico since NAFTA. The number of unemployed in Mexico doubled in 2 years. Our own embassy in Mexico estimated in late 1995 that 35 percent of Mexicans were either unemployed or underemployed. Real wages in Mexico are 27 percent lower than in 1994 and 37 percent lower than they were in 1980. Real wages. And 19 percent of workers made less than the minimum wage, which is only $3.30 a day. Not an hour, $3.30 a day. And 66 percent of workers lack any benefits at all, any pension or health benefits.

Eight million people. Listen to this. Since NAFTA, eight million people in Mexico have fallen from middle class status into poverty. Eight million in just 3½ years. And perhaps worst of all, millions of children have entered the work force to try to keep their families making ends meet.

The Mexican people were stunned by all of this, as one can imagine. Their wages were cut. If they had any benefits, they were cut out. They were being dropped into poverty. Twenty-eight thousand of them lost businesses. The peso was devalued. They woke up one morning and the worth of the money they had in their pocket, or if they had a little savings account, dropped by 30 or 40 percent. So they were mad. They were mad. And they were stunned and they opted for change, and I believe the American people feel the same way about this treaty.

Now, people say the economy is doing so well in the United States. It is doing extremely well for about 20 percent of Americans. They are doing incredibly well. Incredibly well. But for 80 percent of America, their wages have been stagnant since 1979. Almost 20 years. Going on almost 20 years now. And it is easy to understand, because corporations and companies are saying to workers, ''If you want a wage increase, you want pension benefit increases or health benefit increases, we are out of here; we are going to Mexico.''

And do not take my word for it. There was a study done by Kate Bronfenbrenner, University of Cornell in New York, just done recently for the Labor Department. This study, by the way, was suppressed because of what it said. It said that 62 percent of businesses in this country use NAFTA as a lever, as a wedge against their own workers, saying that, ''If you demand too much, we are out of here; we are leaving.'' Sixty-two percent. An amazing number. An amazing figure.

So there was change in Mexico. I believe the American people feel the same way about this. And if the vote on NAFTA were held today, I believe it would be a much different story because we are coming to realize that, after 3½ years, trade agreements like NAFTA cannot ignore the issues of wages and basic standards for workers or the environment, or for things we do not ordinarily talk about when we talk about trade, like food safety.

I am concerned that the report that many people will be looking at for information about NAFTA that will be issued later this week will not address these serious issues either. Later this week we will be releasing its version, the administration, of how well NAFTA has worked. But I am not sure it will include a serious discussion about how NAFTA is depressing wages, affecting food safety, highway safety and a number of other issues.

□ 2115

I want to relay to you a story of one real person who has been affected by NAFTA, a story you will not read about in the study on NAFTA. I met this woman a couple weeks ago. She was from the city of El Paso, right on the border, a city which has more certified NAFTA job losses than any other city in the country. Her name is Irma Montoya.

Ms. Montoya worked in an electronics plant in El Paso for 8 years. She worked hard. She paid her taxes. She played by the rules. She did her best. But despite her best efforts, the company shut down in El Paso when maquiladoras from just across the border, miles away, took over the work her plant did.

And why did they do that? Of course, because they were being paid. She was being paid a very low salary, very close to the minimum wage in this country. They moved the plant just a few miles over the border because they could get away with paying people less than a dollar an hour over there.

Now Irma received no health or pension benefits from her company. And despite being eligible for NAFTA job training assistance, she received no

real help. She wanted to become an accountant and was told it would be too expensive. So now Irma is stuck without a job, without a pension, without health benefits, without training. And she lives in a city where the unemployment rate is about 12 percent.

NAFTA provided the incentive not only for the loss of her job but for the downward pressure on wages and benefits for the American workers, which left Irma without a pension or without health benefits. And this is going on all over the country.

Just the other week my friends were here, the gentleman from Ohio [Mr. KUCINICH] and the gentlewoman from Ohio [Ms. KAPTUR], and the gentleman from Pennsylvania [Mr. KLINK] and the gentlewoman from Missouri [Ms. DANNER], and they were telling me about how these jobs are leaving, how people are being stranded without benefits, without the proper training, and it is going on all over the country. There are hundreds of thousands of people just like Irma Montoya all over this country.

And while you will not hear about Irma Montoya later this week in the administration's report on NAFTA, we are going to keep coming to the floor. My colleague, the gentleman from Massachusetts [Mr. MOAKLEY], who is with me, who is going to talk about this issue in just a second, and other colleagues are going to come here and talk about this issue because it needs to be aired.

And while I do not think the NAFTA report will be all that enlightening, one memo that I would recommend to everyone here in this Chamber and in the Congress and my colleagues is to take a look at Professor Harley Shaiken, who was at the University of California at Berkeley, who has probably more knowledge on this issue than anybody in America and who has studied the economic relationship between the United States and Mexico extensively. Look at his report. Professor Shaiken sheds some light on what I would call the myth behind the increased exports to Mexico.

There is no denying that exports to Mexico have risen since NAFTA, although imports from Mexico have increased more dramatically. We had about a $2 billion surplus with Mexico prior to NAFTA, which is only 3½ years ago. We have a $16 billion deficit today. That is a major shift. That means they are sending us here a lot more than we are sending them there. We are sending them a few more things, but listen to what is happening to those things that we send them.

He, Professor Shaiken, analyzing trade data, shows that the vast majority of export growth has been in what he calls the revolving door exports. And what do we mean by revolving door? Those are goods that are shipped to Mexico as components, therefore counted as exports, but then they are assembled right on that maquiladora border. They get over the line, they are assembled and they come right back here, shipped right back to the United States. The revolving door exports have surged 230 percent since NAFTA, rising from $18 billion in 1993 to $42 billion last year.

These exports accounted for 40 percent of our total exports to Mexico in 1993, but that share grew 62 percent last year. So 62 percent of our exports to Mexico are shipped right back here. They are assembled, put together by people who are making 70 cents, a dollar an hour, and then they are sold back here, at no reduced rates, I might add. These are not job-creating exports, they are job destroying exports. As Professor Shaiken noted in his memo, paraphrasing Pogo, ''We have met the market and it is us.''

The memo also notes that NAFTA has increased for especially direct investment in Mexico from other nations as well. This is kind of interesting. Remember the claim during our debates, where the NAFTA proponents said that we want to pass NAFTA now to get into Mexico before the Europeans and the Asians could get in there?

Well, the fact is that those nations have a trade surplus with Mexico. We have a $16 billion deficit, and they are investing in Mexico at rapid rates since NAFTA. Investments from Germany have tripled since NAFTA; investments from Japan have increased tenfold.

Now keep that fact in mind when we are going to hear the same claim this year about going into Latin American nations before European and Asian nations do. We are going to hear that same argument, and it is just full of holes. The facts show that we will all get into those markets, and that rushing through an ill-conceived free-trade agreement does not give us any type of advantage in that respect.

One other item from Professor Shaiken's memo that I would mention at this point is about continued falling real wages in Mexico. He notes that Mexican workers have been unable to make wage gains despite increased productivity. What does that mean? That means they are putting out more, Mexican workers are producing more, dramatically more, because they are hard workers and because they are working in newer modern facilities.

Some of these facilities in the maquiladora, and I have traveled and looked at them, they are as modern as anything we have here in this country. So productivity in Mexico has risen 38 percent since NAFTA, but real hourly wages have dropped by 21 percent over the same period. So you figure it out. They are producing more for their executives and CEO's, and these corporations, mostly multinationals, productivity is way, way up and their wages are going down.

And then when our workers try to get a wage increase here in their plants, they see multinational people who are down there and who own corporations up here say to our workers, ''We cannot give you any wage increase, cannot take care of any health or pension benefits because we will just go down to Mexico and we do not have to pay them anything.'' So they are leveraging. They are leveraging.

Productivity in Mexico, as I said, has risen by 38 percent since NAFTA, but real hourly wages dropped by 21 percent. Despite the fact that many plants in Mexico approach or exceed United States productivity levels, the hourly wage in Mexican manufacturing was less than 10 percent of the United States levels in 1996. They make one-tenth of what our workers make, and this is a trend that has only accelerated since NAFTA. This disparity between wages and productivity in Mexico existed well before NAFTA and during stable economic times.

Between 1980 and 1993, manufacturing productivity in Mexico rose by 53 percent while real wages declined by 30 percent. So you know the investors, the money people, the multinationals, they are doing very well. Their workers have been falling further and further behind, 8 million falling into poverty from the middle class in Mexico.

That fact led many of us during the NAFTA debate in 1993 to call for a linkage between wages and productivity in Mexico and for ensuring the rights of workers in Mexico, that those rights were honored, but our cause went unheeded. And the problem has only gotten worse, as we have already seen. So this is a trend, I think, that is going to continue on and on unless we seriously address these issues of wages and worker rights in our trade agreement.

The current system is tragic for working people both in the United States and in Mexico and in Canada, as well. It does not have to be permanent, though. The people of Mexico spoke on Sunday, and the American people through us in Congress will have a chance to speak this fall when we have this debate.

We need to remember that this trade debate is not just about markets and trade barriers; it is about jobs, it is about living standards, it is about human rights, it is about human dignity. Human dignity. These struggles we are about to engage in have been fought in this country before and around the world by earlier generations of workers.

At the turn of this century, 100 years ago, the industrial revolution brought massive change, just as the global economy and technology and information are changing the landscape today. And at that time, giant corporations tried to do the same thing. They tried to control the process. But the people got wise, they figured it out. They figured out they were being exploited. They figured out their land was being exploited, and they banded together. They formed labor unions and they formed progressive movements. They came together and fought back and they made a difference. That struggle led to the creation of a system of labor

and social and health rules which increase our living standards in this country.

If it was not for people coming together, led mostly by labor unions in this country, we would not have a minimum wage, we would not outlaw child labor, we would not have weekends, we would not have a 40-hour work week, we would not have an 8-hour day, we would not have health benefits. We have to remind ourselves sometimes that people banding together can make a difference.

But it is that very system that is under attack today, and we cannot afford to go backward 100 years. This debate is about our economic future, and whether we want to take our Nation forward or go back to an era in this Nation in which workers' rights were not guaranteed and in which a few wealthy corporations controlled our economy.

This is a fight against transnationals, multinational corporations. That is what this is about. There are very few governments standing up to them today. Labor is on the decline in many parts. Although I might just say in this country it is on the rebound, and it is becoming more vibrant and more organized, and they are organizing more workers every day because of the statistics I read to you.

I predict in Mexico, with the demise of their labor leader, who passed at 96 and who was, I believe, corrupt and did not serve working people well, and with the demise of the PRR government, we will see stronger labor unions, we will see people banding together in progressive units and demanding a fair and just wage.

So we do not want to go back as a nation to where we were 100 years ago. We want a trade policy that is going to move us forward. That is what this debate is about, and that is why we are here talking about it, so that people can understand some of the other side of the issue.

We are going to get a report, as I said twice or three times this evening, from the administration this week on NAFTA; and I would ask the people to look at that in its entirety. They are not going to hear in that report about food processing or they are not going to hear about food safety.

Let me talk about food safety for just a second. Then I want to yield to my good friend, the gentleman from Massachusetts [Mr. MOAKLEY], the ranking member of the Committee on Rules. Remember a few months ago the strawberry scare in this country, contaminated strawberries came in from Mexico? Hundreds and hundreds of kids in this country, particularly in my State of Michigan, were affected. We had 1,100 kids who had to go get vaccine shots, a series of very difficult shots, and hundreds of them were sick.

That has happened with wheat, and it is happening with other foods. And, of course, the drug problem. You know, we tried to negotiate a tougher drug deal than NAFTA, but we caved. Drugs are coming in here at incredible rates, an incredible rate. Seventy percent of the cocaine coming into this country comes through Mexico, 25 percent of the heroin, and it is passing through every day. It is a wave line down in Texas.

They inspect trucks. They inspect 1 truck out of 200. Eleven thousand trucks come across the border. Eleven thousand trucks come across the border every day. One out of every two hundred get inspected. So lots of drugs are coming in here. The NAFTA agreement was one of the worst agreements this country ever signed and engaged in.

I am not opposed to having an agreement with Mexico. They are good people. They are hard-working people. They have a new chance for a new beginning. I want a good trade relationship, but I want a relationship that will elevate their workers to our standards, rather than bringing our workers down to their poverty standards. That is not too much to ask. That is what the Europeans did when Portugal and Greece wanted into the European Union, you know, an economic market union that is strong and vibrant.

□ 2130

But the Europeans said to Greece and to Portugal, ''Before you come in, you have got to meet a few standards here on food safety, you have got to meet a few standards on wages, on productivity, a few other things. And then we will let you in.'' And these countries said, ''Well, that's reasonable, that's fair, we'll do that.'' They met those standards and they were accepted and they are part of the union. That is what we were trying to get with a good NAFTA. But instead, we got one of the worst pieces of legislation, I believe, this country has ever engaged in.

I thank my colleague from Massachusetts for staying so late and participating in this. I appreciate his leadership on this issue and his passion for working people. He is one of the great leaders of this body on Central American issues. I remember vividly the gentleman from Massachusetts [Mr. MOAKLEY] leading the effort to bring justice and dignity to El Salvador. I thank him for joining me this evening.

Mr. MOAKLEY. Mr. Speaker, I thank my leader, and my dear friend from Michigan. I do not think there is anybody in this House who is a better friend to American workers than the gentleman from Michigan [Mr. BONIOR]. He knows that NAFTA was a bad idea and he is really speaking out on this issue. He is on the right side of this issue.

I was in my office watching my leader speaking on this thing when my telephone rang and a young lady from Milton, Massachusetts called up and said, ''I'm looking at my television set and I notice the gentleman from Michigan [Mr. BONIOR] speaking on NAFTA. How do you stand on NAFTA?'' I said, ''I voted against NAFTA, as did the gentleman from Michigan [Mr. BONIOR].'' But there are people out there that the gentleman has really educated this evening with some of the facts that he has given, and I am sure that many votes might change as a result of it.

Mr. Speaker, the North American Free-Trade Agreement has been a bad idea. It has been bad news to the American economy, it has been bad news for the American workers, it has been bad news for the Mexican workers, and before the passage of NAFTA, the United States had a trade surplus with Mexico, but since the passage of NAFTA our trade deficit has ballooned to $16.1 billion.

Mr. Speaker, a $16.1 billion deficit is hardly good news for the economy. The deficit in large part is due to the revolving door exports. In fact, Mr. Speaker, 62 percent of our exports to Mexico were revolving door exports, which mean that our raw goods were sent to Mexico, assembled by Mexican workers and sent back to the United States.

Before the NAFTA agreement, Mr. Speaker, only 22 percent of our exports to Mexico were revolving door exports. These exports, along with other conditions of this agreement, have cost American workers wages and in many cases cost American workers their jobs. In fact since 1993, NAFTA has cost American workers over 420,000 jobs. That is right, Mr. Speaker, 420,000 jobs have been lost as a result of NAFTA. The Department of Labor has certified that in the years 1994 and 1995, 52,000 Americans lost jobs in 400 U.S. plants since the passage of NAFTA. Many of these workers, unfortunately, Mr. Speaker, came from my home State, the Commonwealth of Massachusetts.

Since the start of NAFTA, hundreds of thousands of jobs have been shifted to maquiladora production plants, which pay very low wages for work done right on our border. As of March of this year, the maquiladora plants employed more than 861,000 Mexican workers in over 2,600 plants. These plants are taking American jobs from all over the country. In fact, in the Commonwealth of Massachusetts, just this year, the Osram Sylvania Co., a fluorescent light manufacturing plant, sent 160 jobs to Mexico. When asked why they moved, company officials said, ''The move was NAFTA-related.''

For those American jobs that have not gone to Mexico, the threat is always there that they will go, and for that reason American wages have stayed low, closer to Mexican wages.

In fact, the NAFTA Labor Secretariat found that half the American firms used threats of moving to Mexico to fight union organizing. When forced to bargain with labor organizers, 15 percent of the firms actually closed part or all of a plant. That is triple the rate of shutdowns before NAFTA.

But, Mr. Speaker, despite what has happened to our workers, despite what has happened to our economy, the people who are suffering most are the

Mexican workers. Their wages are less than one-third of what they were in 1980. Some 14.9 percent of Mexicans live below the poverty rate, which is less than $1 a day. In fact, the Mexican Government even has policies to hold down the wages to attract investments despite the thousands of people living on less than $1 a day.

In 1995, one out of every five Mexican workers worked for less than the Mexican minimum wage, and 66 percent got no benefits whatsoever.

Since Mexican workers do not make very much money, they can barely afford to put food on the table, much less buy American products. Mexican infant mortality is very high, 13 deaths per 1,000 live births. For those children who do survive, 10 million of them are sent to work, violating Mexico's own child labor law.

From what I can tell, Mr. Speaker, nothing at all has been done about the horrendous environmental degradation in Mexico. Thirty percent of the population of Mexico have no access to sanitation. I have heard that some of the workers that live in some of these new industries that have gone down to Mexico are still living in refrigerator crates.

Mr. BONIOR. The gentleman makes a very good point. The American Medical Association, in examining this border, the maquiladora border that the gentleman is talking about, termed it a cesspool of infectious disease. This is our American Medical Association. That is how bad the environmental degradation is in that area, and that has caused, as the gentleman has correctly stated, numerous health problems, literally babies born without brains. There are hideous examples of deformities, just unconscionable activities on the part of the corporations that have gone down there and the governments that have allowed it to happen. I thank the gentleman for raising that point.

Mr. MOAKLEY. The gentleman from Michigan is absolutely correct. On some days the children in Mexico City can hardly breathe. This polluted air is making its way into this country. The ozone levels in El Paso, TX have increased steadily since NAFTA. The rate of hepatitis in the border region of the United States has risen to about four times the U.S. average.

Mr. Speaker, hepatitis is a very contagious disease that does not respect borders, yet the NAFTA agreement looks the other way. As the gentleman from Michigan alluded to, we import fruits and vegetables from a country that has virtually no environmental regulations and that many times these fruits and vegetables are filled with pesticides that are not even allowed in our country.

But despite all of these problems, Mr. Speaker, the administration now is proposing expanding NAFTA to Chile and possibly the rest of the southern hemisphere. I think this is a very dangerous idea. Any agreement we make should include very serious and very specific regulations on labor, on the environment, and on human rights. These conditions should not be left for later action because, as we have seen with this trade agreement, provisions that were left out of the original agreement never really happened.

I am glad to join my leader, an expert on this matter, and I look forward to continuing this debate with him.

Mr. BONIOR. I thank my colleague for his leadership and passion on this issue and for bringing to light some of the important facts on workers' rights and health and safety. We appreciate the gentleman's contribution.

PROBLEMS ASSOCIATED WITH IMPLEMENTATION OF IMPENDING EPA STANDARDS

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). Under a previous order of the House, the gentleman from Pennsylvania [Mr. MASCARA] is recognized for 5 minutes.

Mr. MASCARA. Mr. Speaker, I was supposed to join the gentleman from Pennsylvania [Mr. KLINK] this evening to talk about the problems associated with the impending standards to be implemented by the Environmental Protection Agency.

First of all, I would like to give a historic perspective to illustrate why I have joined so many of my colleagues in the House of Representatives to speak about the national ambient air quality standards. First let me clear the air, no pun intended. I support, as do many Members of Congress, clean air and a sound environmental policy in this country. The key word is ''sound.''

I would like to share with my colleagues, Mr. Speaker, a historic perspective about the 15 years' experience that I had in county government. During that time I served on the Southwestern Pennsylvania Regional Planning Commission and during those 15 years I served as chairman 3 years and also as chairman of the Plan Policy Committee which had the responsibility of implementing ISTEA, which is the Intermodal Surface Transportation Efficiency Act and the Clean Air Act amendments of 1990 which were a companion bill. So I had an opportunity as a county commissioner to see the system from the bottom up and now as a Member of Congress to see it from the top down. I do have some experience in dealing with legislation that applies to clean air and air quality standards.

As a member of the Regional Planning Commission, we covered six counties, including Allegheny, Armstrong, Beaver, Butler, Washington, and Westmoreland and the city of Pittsburgh. I also served as chairman of this Plan Policy Committee that had the responsibility of implementing those two pieces of legislation, including the National Highway System Act.

This enabled me to have a better understanding of the problems associated with implementing those standards in southwestern Pennsylvania. I led a group of county commissioners in 1994 suggesting that the nonattainment status in southwestern Pennsylvania was incorrect, and that we as county commissioners and the city of Pittsburgh council requested that an independent testing firm test the quality of air in southwestern Pennsylvania to determine whether in fact we did not reach attainment. We found at that time that some of the equipment that was used in measuring the quality of air was faulty, we found that the air quality samples that were taken were taken on the hottest days of the year. We requested and the Department of Transportation in Pennsylvania and the Department of Environmental Resources agreed to permit a testing company, an independent testing company to measure the quality of air in southwestern Pennsylvania.

□ 2145

The tests that were done by this independent firm proved our suspicions that the earlier testing was inappropriate and resulted in inaccurate test results. The air quality in the Pittsburgh region had definitely met the air quality standards. The Pennsylvania DER advised the EPA that southwestern Pennsylvania had met its ozone standards, and the EPA sat on the new information and never corrected our status from moderate nonattainment to attainment.

Listen to this. Based on monitoring data between 1989 and 1994, western Pennsylvania's air quality met or exceeded the national standards for ozone levels. Apparently the application got lost in the bureaucratic maze, for it took the EPA over 2 years to respond instead of the mandated 18-month period. That summer, the summer of 1995, western Pennsylvania's ozone readings exceeded acceptable levels on only 9 days. Let me remind you that 1995 was one of the hottest summers on record.

Yes, we paid the price for clean air that we now breathe, and as I said earlier we all support clean air. Southwestern Pennsylvania citizens paid the price, and now they want us to believe the new standards could eventually put the remaining 100,000 miners out of work and impact workers in the few remaining jobs we have in southwestern Pennsylvania.

Mr. Speaker, I remind you that as a part of the 1980's and the decline in the steel and mining industry that we lost nearly 200,000 manufacturing jobs in southwestern Pennsylvania. And these new air quality requirements are without a basis of science, and we are asking the President, and I joined in with several of my colleagues in writing the President asking him to take another look at the air quality standards which will be implemented this year.

OUR FOUNDING FATHERS WERE GREAT MEN OF GOD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. KINGSTON] is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, with the Fourth of July having just passed, I wanted to reflect on some of the thoughts I had and shared with people in Glynn, Wayne, and Pierce County, GA, this past week. I started out by saying, you know, one of the big thrills of Washington is to occasionally go up to the top of the dome, and when you do that it is kind of a special feeling. You duck into an unmarked and inconspicuous door, you climb up about a story, some spiral steps in an old roundhouse that used to contain some sort of a heating turbine, and then you go on an 1865 catwalk in between the skin of the new dome and the limestone of the old dome. You go up, round and round, for maybe 20 minutes on a set of steel concrete and cables, about 200 feet. Finally you get to the top, and on the top you see one of the best views of some of the most significant monuments in our country. You can see the Washington Monument, the reflecting pond, the Lincoln Memorial, the Jefferson Memorial, Robert E. Lee's home, and hidden in the trees, you know, the Korean and the Vietnam Memorials are also there. Each one of these monuments contains a special chapter in American history, and if you look beyond these monuments, you can see a glimpse of America herself.

On the Fourth of July we celebrate our Nation's birthday. It is fitting that we reflect on these monuments and the great souls that they immortalize. We can think about from Concord and Lexington to Vietnam and Desert Storm we seek to understand more of our own history. We look inside ourselves, if you will.

Standing on the balcony of the dome of the Capitol, Mr. Speaker, to the far left you see Thomas Jefferson's monument, the third President, founder of the University of Virginia, and author of the Declaration of Independence. His work formally began when Richard Henry Lee introduced a resolution for independence in the Continental Congress. Congress, even then being Congress, decided to form a committee, and a committee was formed consisting of Robert Livingston, Roger Sherman, Benjamin Franklin, John Adams and the 34-year-old Thomas Jefferson. In the nearby drafthouse he worked late into the Philadelphia nights, these words:

''When in the course of human events it becomes necessary for one people to dissolve the political bands which have connected them to another'' and so forth.

As he labored, surely he knew the death warrant that would become not just for him but for so many, the strife, the hardship and inevitably war.

What guided Thomas Jefferson, George Washington, and Benjamin Franklin? They were smart, they were enlightened, they were visionaries, but did they also pray? I submit to you, Mr. Speaker, that like so many of our great American leaders that they did indeed pray, because I think that our Founding Fathers were guiding them.

I also believe that they were men who were ready as this whole Nation to sacrifice for this thing called freedom, and I think, third, that they knew that freedom is fragile.

Let us talk about the godliness. We always hear about Thomas Jefferson being a deist, which seems almost a buzz word for atheist, yet on his monument Thomas Jefferson says: Can the liberties of a Nation be secure when we have removed a conviction that these liberties are the gift of God? Indeed I tremble for my country when I reflect that God is just and that his justice cannot sleep forever. End of quote.

Very explicit words, Mr. Speaker, and indeed a warning.

Likewise, Benjamin Franklin admonished delegates at the Constitutional Convention to pray to break a deadlock. His words were in the beginning of our war with Britain, we prayed daily for guidance. Our prayers were heard and were answered. Have we now forgotten this powerful friend? The longer I live, this I know to be true. God governs the affairs of men. For if a sparrow cannot fall to the ground without his notice, is it probable a Nation can rise without his aide?

And George Washington on his tomb, rather than pontificating about the many, many achievements he has, he instead merely quotes the gospel of John.

I submit to you that our Founding Fathers were great men and women of God, and they had divine guidance in that America was not just born by luck or by accident. Second, Mr. Speaker, we can rest assured that they had made many, many sacrifices and were willing to, just as millions of Americans have also done, follow in their example. Indeed Thomas Jefferson and George Washington would be much happier spending their time at Monticello and Mount Vernon.

Robert E. Lee, as we look at his, the Custis mansion across the river, Robert E. Lee lost this to Arlington Cemetery; and adjoining him by way of Memorial Bridge, Abraham Lincoln lost his life because of the Civil War, as did 360,000 Union soldiers and 135,000 Confederate soldiers.

Their examples were followed in every war. The Revolutionary War, 25,000 died; the War of 1812, 2,300 died; the Mexican War, 13,000; the Spanish American War, 2,300; World War I, 117,000; World War II, 408,000. And while their monuments cannot be seen from the top of the Capitol, Mr. Speaker, there are two very significant monuments. One consists of 19 life-sized figures. In the morning mist they seem to move. The wind catches their ponchos, their faces strained to the sky, their bodies bent in fatigues. They are American soldiers in the Korean conflict, a conflict that claimed 3 million Koreans and 1 million Chinese citizens. These soldiers are tired, hungry, cold. Their sunken eyes search for a sniper and surely for hope. They move slowly and eternally toward a black marble wall that merely says four words:

Freedom is not free.

They should know. Over 54,000 of them died. Their figures haunt us, but as we turn around through the trees across the reflecting pond and over the berm, there lies another wall. Here we face 58,211 names of other great Americans. This wall is still sober and forceful. Each name is a story.

Brantley, David Watson: Born 1946, Kite, GA; graduated 1964, Glynn Academy; died June 7, 1968 from an exploding mine in the Huz Nghiz Province.

Cameron, James Frederick: graduated Glynn Academy; shot down over the Tan Kieu Hamlet, September 13, 1969.

Smith, Russell Lamar: Born March 26, 1948; graduated Glynn Academy 1966; married, one unborn son; killed by small arms fire; DaNang, November 28, 1968.

Honaker, Raymond Kermit: Born February 16, 1949; graduated Glynn Academy 1967; helicopter shot down, August 31, 1968.

Armstrong, Atwell Asbell: Born August 19, 1947; killed by small arms fire, October 25, 1968 at Song Be.

Miller, Hebert: Killed April 21, 1971, near Quang Tri Province.

Rabb, Robert of Darien, GA; his loving mother Doris Rabb is with us today.

Grina, Thomas: Born November 16, 1949; killed December 19, 1967 by a ground explosion trying to rescue his fellow marines pinned in a killing field.

From Brunswick alone: Leonard J. Peacock, Roger E. Mathis, Carlton Amerson, Larry Williams Bailey, John Devvin Bell, and Rayford H. King.

The names go on and on and on from coastal Georgia, from the entire East Coast of the United States and all through the United States, each soldier a hero, each paying the highest price for this ideal we call freedom.

And on this national birthday let us proudly and sincerely appreciate their lives and their family. Let us recognize the high and significant advancement they gave the cause of freedom. The Vietnam war was to stop the growth of communism so we can say loudly: Mission accomplished.

Thailand, Singapore, Indonesia, Philippines, Malaysia, all once in great peril of Communist rule, are now out of danger and democratic nations today, and 179 out of 192 or 93 percent of the world's countries have free elections. And in the last 10 years 69 nations for the first time in their history have had free elections, and that includes five from the former Soviet Union.

Would this have happened without Vietnam? Hardly. Again I say: Mission accomplished.

But, Mr. Speaker, as we go back and review these monuments, let me close with this: Last summer when the Olympic torch came through Washington I asked one of the Olympic leaders, what happens when the torch goes out? He said, we merely relight it. And I said, is that it, you just relight it? He

said yes, that is it. What a shame that freedom's torch cannot be so easily relit. I believe that the torch of freedom that we pass down from generation to generation is more like a candle than a torch and it is a stormy night and the wind is blowing.

Edmund Burke said this, Mr. Speaker. The price of freedom is eternal vigilance, and the name of the great soldiers whose names are on the monuments and the names who are not on monuments, let us never forget that Americans have sacrificed a lot for this ideal we call freedom. Freedom is indeed fragile.

On the field of Gettysburg, Lincoln put it this way:

> It is for us the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion—that we here highly resolve that these dead shall not have died in vain—that this nation, under God, shall have a new birth of freedom—and that government of the people, by the people, for the people, shall not perish from the earth.

Let us remember that, and I will close with the words of Edmund Burke. The price of freedom is eternal vigilance. Let us remember that on this Nation's birthday.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. RUSH (at the request of Mr. GEPHARDT) for today before 6:30 p.m., on account of airline delays in Chicago.

Mr. TAYLOR of North Carolina (at the request of Mr. ARMEY) until 6 p.m. today, on account of travel delays.

Mr. RIGGS (at the request of Mr. ARMEY) for today, on account of illness.

Mr. YATES (at the request of Mr. GEPHARDT) today after 6:15 p.m., on account of personal reasons.

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. CAPPS) to revise and extend their remarks and include extraneous material:)

Mr. CAPPS, for 5 minutes, today.

Mr. KIND, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

(The following Members (at the request of Mr. TIAHRT) to revise and extend their remarks and include extraneous material:)

Mr. PICKERING, for 5 minutes each day, on today and July 9 and 10.

Mr. KINGSTON, for 5 minutes, on July 9.

Mr. SAXTON, for 5 minutes each day, on July 9, 10, and 11.

Mr. RAMSTAD, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today.

Mr. TIAHRT, for 5 minutes, today.

Mr. HERGER, for 5 minutes, on July 9.

Mr. RADANOVICH, for 5 minutes, on July 9.

Mr. TAUZIN, for 5 minutes, today.

Mr. JONES, for 5 minutes each day, on July 9 and 10.

Mr. DUNCAN, for 5 minutes, on July 9.

Mr. WELDON of Florida, for 5 minutes, today.

Mr. SMITH of Michigan, for 5 minutes each day, on July 9 and 10.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. MASCARA, 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. HULSHOF) to revise and extend their remarks and include extraneous material:)

Mr. HAMILTON.
Mr. PASCRELL.
Mr. DAVIS of Illinois.
Mr. ETHERIDGE.
Mr. KUCINICH.
Mr. FRANK of Massachusetts
Ms. NORTON.
Mr. STOKES.
Mr. KLECZKA.
Mr. BONIOR.
Mr. VISCLOSKY.
Mrs. MALONEY of New York.
Mr. LEVIN.
Mr. HINCHEY.
Mr. BARRETT of Wisconsin.
Mr. KLINK.
Mr. TRAFICANT.
Mr. PASTOR.
Mr. STRICKLAND.

(The following Members (at the request of Mr. TIAHRT) to revise and extend their remarks and include extraneous material:)

Mr. FORBES.
Mr. RADANOVICH.
Mr. GALLEGLY.
Mr. GINGRICH.
Mr. KELLY.
Mr. DAVIS of Virginia.
Mr. LEWIS of California.
Mr. BURR of North Carolina.
Mr. EWING.
Mr. BEREUTER.
Mr. PITTS.
Mr. FOX of Pennsylvania.
Mr. COMBEST.
Mr. SMITH of New Jersey.
Mr. SHAYS.
Mr. COBLE.

(The following Members (at the request of Mr. KINGSTON) to revise and extend their remarks and include extraneous material:)

Mrs. MINK of Hawaii.
Mr. WAXMAN.
Mr. KINGSTON.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on the following date present to the President, for his approval, a bill of the House of the following title:

On June 27, 1997:

H.R. 1553. An act to amend the President John F. Kennedy Assassination Records Collection Act of 1992 to extend the authorization of the Assassination Records Review Board until September 30, 1998.

ADJOURNMENT

Mr. KINGSTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 59 minutes p.m.), the House adjourned until tomorrow, July 9, 1997, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4039. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Irish Potatoes Grown in Washington: Amended Assessment Rate [Docket No. FV97–946–1 FIR] received July 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4040. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Milk in the Eastern Colorado Marketing Area; Suspension of Certain Provisions of the Order [DA–97–05] received July 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4041. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Tuberculosis in Cattle and Bison; State Designation [Docket No. 97–041–1] received June 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4042. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tebufenozide; Pesticide Tolerances for Emergency Exemptions [OPP–300500; FRL–5719–9] (RIN: 2070–AB78) received July 1, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4043. A letter from the Secretary of Health and Human Services, transmitting a report of violations of the Anti-Deficiency Act, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

4044. A letter from the Secretary of Defense, transmitting the Department's report entitled ''Report on Accounting for United States Assistance Under the Cooperative Threat Reduction (CTR) Program,'' pursuant to section 1206 of the National Defense Authorization Act for Fiscal Year 1996; to the Committee on National Security.

4045. A letter from the Assistant Secretary, Department of Education, transmitting notice of Final Funding Priorities for Fiscal Year 1997–1998 for a Knowledge Dissemination and Utilization Project Rehabilitation Research and Training Centers, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

4046. A letter from the Secretary of Education, transmitting Final Regulations—Impact Aid Program, Title VIII of the Elementary and Secondary Education Act, pursuant

to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

4047. A letter from the Secretary of Education, transmitting Final Regulations—William D. FORD Federal Direct Loan Program, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

4048. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's report on the Notice of Final Funding Priorities for Fiscal Years 1997–1998 for Rehabilitation Research and Training Centers and a Knowledge Dissemination and Utilization Project, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Education and the Workforce.

4049. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's report on the final regulations for Impact Aid Program, Title VIII of the Elementary and Secretary Education Act, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Education and the Workforce.

4050. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's report on the final regulations for William D. FORD Federal Direct Loan Program, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Education and the Workforce.

4051. A letter from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Reorganizing, Renumbering, and Reinvention of Regulations; Terminology; Correction (RIN: 1212–AA75) received June 26, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4052. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Kansas [KS 026–1026; FRL–5853–1] received July 1, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4053. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plan for Yolo-Solano Air Quality Management District [CA 105–0041a; FRL–5843–9] received July 1, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4054. A letter from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's ''Major'' final rule—Assessment and Collection of Regulatory Fees for Fiscal Year 1997 [MM Docket No. 96–186] received June 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4055. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Implementation of the Telecommunications Act of 1996: Reform of Filing Requirements and Carrier Classifications; Anchorage Telephone Utility, Petition for Withdrawal of Cost Allocation Manual [CC Docket No. 96–193; AAD 95–91] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4056. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Review of Sections 68.104 and 68.213 of the Commission's Rules Concerning Connection of Simple Inside Wiring to the Telephone Network, and Petition for Modification of Section 68.213 of the Commission's Rules filed by the Electronic Industries Association [CC Docket No. 88–57; RM–5643] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4057. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Raton, New Mexico) [MM Docket No. 96–206, RM–8877] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4058. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Nashville, Arkansas) [MM Docket No. 97–16, RM–8932] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4059. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Chatom and Grove Hill, Alabama) [MM Docket No. 97–71, RM–8920] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4060. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Glenwood Springs, Colorado) [MM Docket No. 97–40, RM–8949] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4061. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Mukwonago, Wisconsin) [MM Docket No. 97–92, RM–9032] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4062. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Dickson, Oklahoma) [MM Docket No. 96–248, RM–8950] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4063. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Naches, Washington) [MM Docket No. 97–2, RM–8955] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4064. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Llano and Marble Falls, Texas) [MM Docket No. 95–49, RM–8558] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4065. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Victor, Idaho) [MM Docket No. 97–37, RM–8975] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4066. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Victor, Idaho) [MM Docket No. 97–33, RM–8937] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4067. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Valdez, Alaska) [MM Docket No. 96–258, RM–8967] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4068. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Franklin, Idaho) [MM Docket No. 97–13, RM–8915] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4069. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Grass Valley, California) [MM Docket No. 97–29, RM–8921] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4070. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Portland and Seaside, Oregon) [MM Docket No. 96–212, RM–8884] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4071. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Alamogordo, New Mexico) [MM Docket No. 96–144, RM–8827] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4072. A letter from the Acting Secretary, Federal Trade Commission, transmitting the Commission's final rule—Concerning Trade Regulation Rule on Care Labeling of Textile Wearing Apparel and Certain Piece Goods; Conditional Exemption From Terminology Section of the Care Labeling Rule [16 CFR Part 423] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4073. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Postmarketing Expedited Adverse Experience Reporting for Human Drug and Licensed Biological Products; Increased Frequency Reports [Docket No. 96N–0108] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4074. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 97F–0062] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4075. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration,

transmitting the Administration's final rule—Indirect Food Additives: Polymers; Technical Amendment [Docket No. 97F–0198] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4076. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Investigational New Drug Application; Exception from Informed Consent; Technical Amendment [Docket No. 97N–0223] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4077. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Adminsitration, transmitting the Administration's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 97F–0004] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4078. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Rulemaking for the EDGAR System (RIN: 3235–AG96) received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4079. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. 10–97 extending U.S. involvement in the Cooperative Outboard Logistics Update (COBLU) with the United Kingdom, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

4080. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to Bahrain for defense articles and services (Transmittal No. 97–22), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4081. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

4082. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled ''Washington Convention Center Authority Accounts and Operation for Fiscal Years 1995 and 1996,'' pursuant to D.C. Code section 47–117(d); to the Committee on Government Reform and Oversight.

4083. A letter from the Acting Chairman, Federal Deposit Insurance Corporation, transmitting the Chief Financial Officers Act Report for the Federal Deposit Insurance Corporation for 1996, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform and Oversight.

4084. A letter from the Chairman, Federal Housing Finance Board, transmitting the 1996 management reports of the 12 Federal Home Loan Banks and the Financing Corporation, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform and Oversight.

4085. A letter from the Secretary of Health and Human Services, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

4086. A letter from the Secretary, Smithsonian Institution, 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.

4087. A letter from the Chief, Forest Service, transmitting a copy of the Final Environmental Impact Statement, Record of Decision, and the Revised Land and Resource Management Plan for the Tongass National Forest; to the Committee on Resources.

4088. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Western Regulatory Area of the Gulf of Alaska [Docket No. 961126334–7025–02; I.D. 062497C] received July 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4089. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Economic Exclusive Zone Off Alaska; ''Other Rockfish'' Species Group in the Eastern Regulatory Area of the Gulf of Alaska [Docket No. 961126334–7025–02; I.D. 062497B] received July 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4090. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Trip Limit Reductions [Docket No. 961227373–6373–01; I.D. 062797C] received July 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4091. A letter from the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Define Fishing Trip in Groundfish Fisheries [Docket No. 970619143–7143–01; I.D. 061097A] (RIN: 0648–AC68) received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4092. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Scup Fishery; Commercial Quota Harvested for Massachusetts [Docket No. 960805216–7111–06; I.D. 063097C] received July 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4093. A letter from the Acting Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—Virginia Abandoned Mine Land Reclamation Plan [VA–104–FOR] received June 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4094. A letter from the Director, Executive Office for U.S. Trustees, Department of Justice, transmitting the Department's final rule—Qualifications and Standards for Standing Trustees (RIN: 1105–AA32) received July 1, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4095. 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 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4096. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class D and Class E Airspace; Los Angeles, CA (Federal Aviation Administration) [Airspace Docket No. 97–AWP–15] (RIN: 2120–AA66) received June 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4097. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Lewisburg, WV (Federal Aviation Administration) [Airspace Docket No. 97–AEA–24] (RIN: 2120–AA66) received June 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4098. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28936; Amdt. No. 403] (RIN: 2120–AA65) received June 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4099. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–100, –200, –300, –400, and –500 Series Airplanes [Docket No. 97–NM–28–AD; Amendment 39–10060; AD 97–14–03] (RIN: 2120–AA64) received June 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4100. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F28 Mark 0100 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–154–AD; Amdt. 39–10051; AD 97–13–05] (RIN: 2120–AA64) received June 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4101. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Hamilton Standard 54H60 Series Propellers (Federal Aviation Administration) [Docket No. 97–ANE–24–AD; Amdt. 39–10054; AD 97–13–07] (RIN: 2120–AA64) received June 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4102. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Regulated Navigation Area Regulations; Lower Mississippi River (Coast Guard) [CGD08–97–018] (RIN: 2115–AE84) received June 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4103. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes, Excluding Airplanes Equipped With Pratt & Whitney PW4000 and General Electric CF6–80C2 Series Engines (Federal Aviation Administration) [Docket No. 97–NM–94–AD; Amdt. 39–10064; AD 97–14–06] (RIN: 2120–AA64) received July 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4104. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Gulfstream Aerospace Corporation Model G–159 (G-I) Airplanes (Federal Aviation Administration) [Docket No. 97–NM–17–AD; Amdt. 39–10066; AD 97–14–08] (RIN: 2120–AA64) received July 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4105. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Gulfstream Aerospace Corporation Model G–159 (G-I) Airplanes (Federal Aviation Administration) [Docket No. 97–NM–16–AD; Amdt. 39–10068; AD 97–14–10] (RIN: 2120–AA64) received July 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4106. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Lockhead Model L–1011 Series Airplanes Equipped with Rolls-Royce Model RB211–524 Series Engines (Federal Aviation Administration) [Docket No. 97–NM–06–AD; Amdt. 39–10065, AD 97–14–07] (RIN: 2120–AA64) received July 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4107. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Gulfstream Aerospace Corporation Model G–159 (G–I) Airplanes (Federal Aviation Administration) [Docket No. 97–NM–15–AD; Amdt. 39–10067; AD 97–14–09] (RIN: 2120–AA64) received July 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4108. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule—Abandonment and Discontinuance of Rail Lines and Rail Transportation Under 49 U.S.C. 10903 [STB Ex Parte No. 537] received July 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4109. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Veterans' Benefits Improvements Act of 1996 (RIN: 2900–AI66) received June 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4110. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Veterans Education: Submission of School Catalogs to State Approving Agencies (RIN: 2900–AH97) received June 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4111. A letter from the Chief Counsel, Bureau of the Public Debt, transmitting the Bureau's final rule—Regulations Governing Book-Entry Treasury Bonds, Notes, and Bills; Determination Regarding State Statute; District of Columbia [Department of the Treasury Circular, Public Debt Series, No. 2–86] received July 1, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4112. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Accelerated Cost Recovery System [Revenue Ruling 97–29] received June 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4113. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Guidance Regarding Claims for Certain Income Tax Convention Benefits [TD 8722] (RIN: 1545–AV33) received June 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4114. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Transition Relief for Failures to Make Plan Distribution to Certain Employees or Offer Options to Defer Distribution by April 1, 1997 [Announcement 97–70] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

(Pursuant to the order of the House on June 26, 1997 the following report was filed on July 1, 1997)

Mr. REGULA: Committee on Appropriations. H.R. 2107. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105–163). Referred to the Committee of the Whole House on the State of the Union.

(Pursuant to the order of the House on June 26, 1997 the following report was filed on July 3, 1997)

Mr. LEACH: Committee on Banking and Financial Services. H.R. 10. A bill to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers, and for other purposes; with an amendment (Rept. 105–164 Pt. 1). Ordered to be printed.

Mr. BLILEY: Committee on Commerce. H.R. 2018. A bill to waive temporarily the Medicaid enrollment composition rule for the Better Health Plan of Amherst, NY; with an amendment (Rept. 105–165). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1198. A bill to direct the Secretary of the Interior to convey certain land to the city of Grants Pass, OR, with an amendment (Rept. 105–166). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. Senate Joint Resolution 29. An act to direct the Secretary of the Interior to design and construct a permanent addition to the Franklin Delano Roosevelt Memorial in Washington, DC, and for other purposes (Rept. 105–167). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 822. A bill to facilitate a land exchange involving private land within the exterior boundaries of Wenatchee National Forest in Chelan County, WA; with an amendment (Rept. 105–168). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1658. A bill to reauthorize and amend the Atlantic Striped Bass Conservation Act and related laws; with an amendment (Rept. 105–169). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 951. A bill to require the Secretary of the Interior to exchange certain lands located in Hinsdale, CO, (Rept. 105–170). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 960. A bill to validate certain conveyances in the city of Tulare, Tulare County, CA, and for other purposes; with an amendment (Rept. 105–171). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOSS: Committee on Rules. House Resolution 179. Resolution providing for consideration of the bill (H.R. 1775) to authorize appropriations for fiscal year 1998 for intelligence and intelligence-related activities of the U.S. Government, the community management account, and the Central Intelligence Agency retirement and disability system, and for other purposes (Rept. 105–172). Referred to the House Calendar.

Mr. DREIER: Committee on Rules. House Resolution 180. Resolution providing for consideration of the bill (H.R. 858) to direct the Secretary of Agriculture to conduct a pilot project on designated lands within Plumas, Lassen and Tahoe National Forest in the State of California to demonstrate the effectiveness of the resource management activities proposed by the Quincy Library Group and to amend current land and resource management plans for these national forests to consider the incorporation of these resource management activities (Rept. 105–173). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

(The following action occurred on July 1, 1997)

Pursuant to clause 5 of rule X the Committee on National Security discharged from further consideration. H.R. 1775 referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

(The following action occurred on July 3, 1997)

H.R. 10. Referral to the Committee on Commerce extended for a period ending not later than September 15, 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. CANNON:

H.R. 2108. A bill to dispose of certain Federal properties located in Dutch John, UT, and to assist the local government in the interim delivery of basic services to the Dutch John community, and for other purposes; to the Committee on Resources.

By Mr. COOK:

H.R. 2109. A bill to amend the Federal Election Campaign Act of 1971 to require reports filed under such act to be filed electronically and to require the Federal Election Commission to make such reports available to the public within 24 hours of receipt; to the Committee on House Oversight.

By Ms. DELAURO (for herself, Mr. GEJDENSON, Mr. GONZALEZ, Mr. EVANS, Mr. ABERCROMBIE, Ms. KILPATRICK, Mr. STARK, Mr. DELLUMS, and Ms. RIVERS):

H.R. 2110. A bill to require employer health benefit plans to meet standards relating to the nondiscriminatory treatment of neurobiological disorders, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANK of Massachusetts:

H.R. 2111. A bill to reduce the amounts allocated for payments pursuant to production flexibility contracts entered into under the Agricultural Market Transition Act; to the Committee on Agriculture.

By Mr. FRANKS of New Jersey (for himself, Mr. DEFAZIO, Mr. OBERSTAR, Mr. CLEMENT, and Mr. FRANK of Massachusetts):

H.R. 2112. A bill to amend the Communications Act of 1934 to increase the forfeiture penalty for telephone service slamming and to require providers of such service to report slamming incidents, and for other purposes; to the Committee on Commerce.

By Mr. GEKAS (for himself and Mr. FROST):

H.R. 2113. A bill to amend the Internal Revenue Code of 1986 to exempt from certain reporting requirements certain amounts paid to election officials and election workers; to the Committee on Ways and Means.

By Mr. LEACH:

H.R. 2114. A bill to amend the Federal Reserve Act to provide for the appointment of the presidents of the Federal reserve banks by the Board of Governors of the Federal Reserve System, and for other purposes; to the Committee on Banking and Finance Services.

By Mr. LIVINGSTON:

H.R. 2115. A bill to provide that compliance by States with the National Voter Registration Act of 1993 shall be voluntary; to the Committee on House Oversight.

By Mr. PASCRELL:

H.R. 2116. A bill to designate the post office located at 194 Ward Street, in Paterson, NJ, as the ''Larry Doby Post Office''; to the Committee on Government Reform and Oversight.

By Mr. PITTS:

H.R. 2117. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income gain on the sale or exchange of farmland which by covenant is restricted to use as farmland and to exclude the value of such farmland from estate taxes; to the Committee on Ways and Means.

By Mr. TRAFICANT:

H.R. 2118. A bill to prohibit smoking in Federal buildings; to the Committee on Transportation and Infrastructure, and in addition to the Committees on the Judiciary, and House Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of New York (for himself, Mr. MURTHA, Mr. SOLOMON, Mr. PAXON, Ms. MOLINARI, Mr. MCNULTY, Mr. LATOURETTE, Mr. WELDON of Florida, Mr. ACKERMAN, Mr. FORBES, Mr. BAKER, Mrs. MALONEY of New York, Mr. EHRLICH, Mr. COOK, Mr. LIVINGSTON, Mr. FLAKE, Mr. WELLER, Mr. TOWNS, Mr. ENGEL, Ms. DUNN of Washington, Mr. HALL of Ohio, Mr. MCINTOSH, Mr. MEEHAN, Mr. LEWIS of California, Mr. GIBBONS, Mr. MASCARA, Mr. ABERCROMBIE, Mr. ANDREWS, Mr. CLEMENT, Mr. FOLEY, Mr. CALLAHAN, Mr. MCHALE, Mr. BROWN of California, Mr. DAVIS of Virginia, Mr. JENKINS, Mr. GORDON, Mr. FILNER, Mr. WOLF, Mr. MCINTYRE, Mr. ORTIZ, Mr. RAMSTAD, Mrs. MCCARTHY of New York, Mr. HEFNER, Mr. BURTON of Indiana, Ms. RIVERS, Mr. MCGOVERN, Mr. SESSIONS, Mr. LOBIONDO, Mr. COOKSEY, Mr. METCALF, Mr. HUTCHINSON, Mr. BROWN of Ohio, Mr. BENTSEN, Mr. SMITH of New Jersey, Mr. MANTON, Mr. SHAYS, Mr. ALLEN, Mr. LIPINSKI, Mr. NEAL of Massachusetts, Mr. KASICH, Mr. WALSH, Mr. BUYER, Mr. BOEHLERT, Mr. ADERHOLT, Mr. CANADY of Florida, Mr. BALLENGER, Mr. WELDON of Pennsylvania, Mrs. MINK of Hawaii, Mrs. KELLY, and Mr. MANZULLO):

H. Con. Res. 109. Concurrent resolution recognizing the many talents of the actor Jimmy Stewart and honoring the contributions he made to the Nation; to the Committee on Government Reform and Oversight.

By Ms. JACKSON-LEE (for herself, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FROST, Mr. GREEN, Mr. ARCHER, Mr. REYES, Mr. GONZALEZ, Mr. BENTSEN, and Mr. LAMPSON):

H. Con. Res. 110. Concurrent resolution to congratulate and commend the United Way of the Texas gulf coast on the occasion of its 75th anniversary; to the Committee on Government Reform and Oversight.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 12: Ms. CARSON, Mr. CLAY, Ms. ESHOO, Mr. FILNER, Mr. FLAKE, Mr. OWENS, Mr. SABO, Mr. STARK, and Mr. VENTO.

H.R. 15: Mr. BROWN of California and Mrs. CLAYTON.

H.R. 45: Mr. MARTINEZ and Mr. MCGOVERN.

H.R. 51: Mr. RAHALL.

H.R. 53: Ms. WOOLSEY.

H.R. 58: Mr. EVERETT and Mr. DUNCAN.

H.R. 59: Mr. MCINTOSH, Mr. RADANOVICH, and Mr. PITTS.

H.R. 122: Mrs. LINDA SMITH of Washington and Mr. GRAHAM.

H.R. 192: Mr. TANNER.

H.R. 197: Mrs. MEEK of Florida.

H.R. 264: Mr. VENTO.

H.R. 339: Mrs. LINDA SMITH of Washington and Mr. JONES.

H.R. 343: Mr. GIBBONS.

H.R. 367: Mr. CLAY, Mr. WELDON of Pennsylvania, Mr. EVANS, Mr. FILNER, Mr. MICA, Mr. KASICH, and Mr. CALLAHAN.

H.R. 387: Mr. SANFORD, Mr. MILLER of Florida, and Mr. CANNON.

H.R. 399: Mr. GIBBONS.

H.R. 414: Mr. TANNER.

H.R. 492: Ms. WOOLSEY.

H.R. 519: Ms. MCCARTHY of Missouri.

H.R. 616: Mr. ALLEN, Ms. HARMAN, and Mr. ROEMER.

H.R. 631: Mr. ROHRABACHER.

H.R. 633: Mrs. MORELLA and Mr. HOYER.

H.R. 681: Mr. POMBO and Ms. HARMAN.

H.R. 753: Mr. HASTINGS of Florida, Mr. DIXON, and Mr. GEJDENSON.

H.R. 754: Mr. GUTIERREZ and Mr. TRAFICANT.

H.R. 767: Mr. GIBBONS.

H.R. 774: Ms. RIVERS and Ms. JACKSON-LEE.

H.R. 789: Mr. DAN SCHAEFER of Colorado.

H.R. 813: Mr. BUNNING of Kentucky.

H.R. 859: Mr. MCINTOSH.

H.R. 875: Mr. BLILEY and Ms. SANCHEZ.

H.R. 883: Mr. SKAGGS.

H.R. 887: Mr. FRANK of Massachusetts.

H.R. 915: Mr. MALONEY of Connecticut, Mr. ACKERMAN, Mrs. KENNELLY of Connecticut, Ms. SLAUGHTER, Mr. SNYDER, Mr. JACKSON, and Mr. GUTIERREZ.

H.R. 921: Mr. KENNEDY of Rhode Island.

H.R. 965: Mr. GIBBONS.

H.R. 977: Mr. POSHARD.

H.R. 978: Mr. OLVER.

H.R. 991: Ms. BROWN of Florida.

H.R. 1002: Mr. GIBBONS and Ms. DEGETTE.

H.R. 1023: Ms. MCCARTHY of Missouri, Mr. LAMPSON, Mr. SESSIONS, Mr. SMITH of Michigan, and Mr. JONES.

H.R. 1050: Ms. CARSON and Mr. MCGOVERN.

H.R. 1054: Ms. HOOLEY of Oregon, Mr. PRICE of North Carolina, Mr. GIBBONS, and Mr. ENSIGN.

H.R. 1060: Mr. PICKETT, Mr. OBERSTAR, Mr. FROST, Mr. CALLAHAN, Mr. STUMP, Mr. SISISKY, and Mr. ISTOOK.

H.R. 1061: Mrs. MEEK of Florida and Mr. PASCRELL.

H.R. 1108: Mr. BURTON of Indiana.

H.R. 1114: Mr. PRICE of North Carolina, Mr. BARRETT of Wisconsin, Mr. GILMAN, Mrs. FOWLER, Mr. ENGEL, Mr. LAMPSON, Mr. RUSH, and Mr. BALDACCI.

H.R. 1126: Mr. HANSEN and Mr. METCALF.

H.R. 1161: Mr. PAYNE.

H.R. 1165: Mrs. CLAYTON, Mr. NADLER, Mr. TOWNS, Mr. TRAFICANT, and Mr. TURNER.

H.R. 1168: Mr. CONDIT, Mr. NORWOOD, Mr. METCALF, and Mr. LEACH.

H.R. 1169: Mr. FRANKS of New Jersey.

H.R. 1171: Mr. RYUN, Mr. ROHRABACHER, and Mr. MASCARA.

H.R. 1175: Ms. SANCHEZ.

H.R. 1181: Mr. HOUGHTON, Mr. KING of New York, Mr. OLVER, Mr. LAZIO of New York, Mr. DOYLE, and Mr. KENNEDY of Massachusetts.

H.R. 1240: Mr. OLVER and Mr. KENNEDY of Rhode Island.

H.R. 1280: Mr. WEXLER and Mr. JONES.

H.R. 1283: Mr. CALVERT, Mrs. NORTHUP, Mr. BURTON of Indiana, Mr. BLUMENAUER, and Mr. CASTLE.

H.R. 1296: Mr. FROST.

H.R. 1330: Mr. PETERSON of Minnesota.

H.R. 1334: Ms. MILLENDER-MCDONALD.

H.R. 1373: Mr. THOMPSON and Mr. BROWN of Ohio.

H.R. 1376: Mr. JACKSON, Mr. PASCRELL, Mr. OLVER, Mr. GREEN, and Mr. ROTHMAN.

H.R. 1437: Mr. ACKERMAN, Mr. CAPPS, Mr. MILLER of California, Mr. STARK, Mr. KENNEDY of Massachusetts, Mr. FROST, Ms. MCKINNEY, Mr. GILMAN, and Mrs. ROUKEMA.

H.R. 1450: Mr. VISCLOSKY and Mr. KILDEE.

H.R. 1492: Mr. STUMP.

H.R. 1500: Mr. MALONEY of Connecticut.

H.R. 1507: Mr. EVANS, Ms. LOFGREN, Mr. COYNE, Mr. ABERCROMBIE, Mr. DIXON, Mr. CONYERS, Mr. STUPAK, Mr. SCOTT, Ms. JACKSON-LEE, Ms. PELOSI, Mr. MCDERMOTT, Mr. DELAHUNT, Mr. WYNN, Mr. WATT of North Carolina, Mr. PASTOR, and Mr. STOKES.

H.R. 1526: Mr. SENSENBRENNER, Mr. MCINTYRE, Mr. ANDREWS, Mr. KLECZKA, Mr. LEACH, Mr. WHITFIELD, Mr. SOUDER, and Mrs. NORTHUP.

H.R. 1534: Mr. DOOLEY of California, Mr. FROST, Mr. HASTINGS of Washington, Mr. HANSEN, Mr. RILEY, and Mr. BOB SCHAFFER.

H.R. 1543: Mr. MARTINEZ.

H.R. 1544: Mr. COOK, Mr. TALENT, and Mr. GOODLATTE.

H.R. 1609: Mr. DELAHUNT.

H.R. 1614: Mr. GIBBONS, Mr. WOLF, and Mr. MANTON.

H.R. 1619: Mr. JOHN, Mr. HAMILTON, Mr. SHIMKUS, Mr. NORWOOD, Mr. LEWIS of Kentucky, Mr. ROEMER, Mr. LATHAM, Mr. CAMP, and Mr. MORAN of Kansas.

H.R. 1636: Mr. LEVIN, Mr. LIPINSKI, Mr. LAMPSON, and Mr. SABO.

H.R. 1679: Mr. DOYLE and Mr. MCDADE.

H.R. 1689: Mr. PETERSON of Minnesota.

H.R. 1693: Mr. GUTIERREZ, Ms. RIVERS, and Ms. MILLENDER-MCDONALD.

H.R. 1709: Mr. MCINTOSH, Mr. DOOLITTLE, Mr. CUNNINGHAM, Mr. THORNBERRY, Mr. BOB SCHAFFER, Mr. GOODE, Mr. MANZULLO, Mr. SMITH of Texas, Mrs. CHENOWETH, Mr. SENSENBRENNER, Mr. PORTER, and Mr. KLUG.

H.R. 1716: Mrs. MALONEY of New York and Ms. FURSE.

H.R. 1743: Mr. HASTINGS of Washington.

H.R. 1782: Ms. WOOLSEY.

H.R. 1802: Mr. DIAZ-BALART, Mr. KING of New York, and Mr. SOLOMON.

H.R. 1812: Mrs. MYRICK.

H.R. 1814: Mr. FRANK of Massachusetts.

H.R. 1824: Mr. OLVER, Mr. PAYNE, and Mr. FLAKE.

H.R. 1836: Mr. SUNUNU.

H.R. 1839: Mr. TAYLOR of Mississippi, Mr. SNOWBARGER, and Mr. HANSEN.

H.R. 1849: Mr. FROST, Mr. LIPINSKI, Mr. ENGLISH of Pennsylvania, Mr. WATKINS, Mr. BURR of North Carolina, Mr. WATTS of Oklahoma, Mr. ISTOOK, and Mr. UNDERWOOD.

H.R. 1855: Mr. KENNEDY of Massachusetts, Mr. TIERNEY, and Mr. LOBIONDO.

H.R. 1859: Mr. BARRETT of Nebraska.

H.R. 1873: Mr. MCGOVERN.

H.R. 1874: Mr. BENTSEN, Mr. DELLUMS, and Mr. STARK.

H.R. 1912: Mr. BATEMAN.

H.R. 1946: Mr. MANTON and Mr. FILNER.

H.R. 1955: Mr. SESSIONS, Mr. HOBSON, Mr. LIPINSKI, Ms. DUNN of Washington, Ms.

HOOLEY of Oregon, and Mr. CANADY of Florida.

H.R. 1993: Ms. CARSON.

H.R. 2005: Mr. DAN SCHAEFER of Colorado, Mr. WATTS of Oklahoma, Ms. VELÁZQUEZ, and Mr. MCNULTY.

H.R. 2011: Mr. COOKSEY, Mr. WALSH, Mr. ENGLISH of Pennsylvania, Mr. EHRLICH, and Mr. WATTS of Oklahoma.

H.R. 2029: Mr. PETERSON of Pennsylvania and Mr. HASTINGS of Florida.

H.R. 2031: Mr. FLAKE and Mr. RUSH.

H.R. 2064: Mr. HILLIARD and Mr. HOUGHTON.

H.R. 2070: Mrs. KELLY and Mr. MCHUGH.

H.R. 2081: Mr. WELDON of Florida.

H.R. 2103: Mr. LAHOOD and Mr. LATOURETTE.

H.J. Res. 76: Mr. SANDERS and Mr. LAMPSON.

H.J. Res. 78: Ms. DUNN of Washington, Mr. CAMP, Mr. BATEMAN, Mr. MCINTYRE, Mr. COOKSEY, Mr. COBLE, Mr. REDMOND, and Ms. CHRISTIAN-GREEN.

H. Con. Res. 6: Mr. TALENT and Mr. GOODE.

H. Con. Res. 40: Mr. RANGEL, Mr. LEACH, Ms. CARSON, Mr. FROST, Ms. WOOLSEY, and Mr. YATES.

H. Con. Res. 52: Mr. NADLER, Mrs. MEEK of Florida, and Mrs. MCCARTHY of New York.

H. Con. Res. 55: Mr. BILIRAKIS, Mr. MARKEY, Mr. BLILEY, and Mrs. LOWEY.

H. Con. Res. 97: Mr. TORRES and Mr. STARK.

H. Con. Res. 107: Mr. GREENWOOD.

H. Res. 16: Mr. FROST and Mr. WOLF.

H. Res. 26: Mr. MARKEY, Mrs. LOWEY, Mr. PASCRELL, Ms. BROWN of Florida, and Mr. MEEHAN.

H. Res. 37: Mr. FATTAH, Mr. BERMAN, and Mr. UNDERWOOD.

H. Res. 50: Mr. DOYLE.

H. Res. 122: Mr. DELLUMS and Mr. FRANKS of New Jersey.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 858

OFFERED BY: MR. YOUNG OF ALASKA

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 1: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Quincy Library Group Forest Recovery and Economic Stability Act of 1997''.

SEC. 2. PILOT PROJECT FOR PLUMAS, LASSEN, AND TAHOE NATIONAL FORESTS TO IMPLEMENT QUINCY LIBRARY GROUP PROPOSAL.

(a) DEFINITION.—For purposes of this section, the term ''Quincy Library Group-Community Stability Proposal'' means the agreement by a coalition of representatives of fisheries, timber, environmental, county government, citizen groups, and local communities that formed in northern California to develop a resource management program that promotes ecologic and economic health for certain Federal lands and communities in the Sierra Nevada area. Such proposal includes the map entitled ''QUINCY LIBRARY GROUP Community Stability Proposal'', dated June 1993, and prepared by VESTRA Resources of Redding, California.

(b) PILOT PROJECT REQUIRED.—

(1) PILOT PROJECT AND PURPOSE.—The Secretary of Agriculture (in this section referred to as the ''Secretary''), acting through the Forest Service, shall conduct a pilot project on the Federal lands described in paragraph (2) to implement and demonstrate the effectiveness of the resource management activities described in subsection (d) and the other requirements of this section, as recommended in the Quincy Library Group-Community Stability Proposal.

(2) PILOT PROJECT AREA.—The Secretary shall conduct the pilot project on the Federal lands within Plumas National Forest, Lassen National Forest, and the Sierraville Ranger District of Tahoe National Forest in the State of California designated as ''Available for Group Selection'' on the map entitled ''QUINCY LIBRARY GROUP Community Stability Proposal'', dated June 1993 (in this section referred to as the ''pilot project area''). Such map shall be on file and available for inspection in the appropriate offices of the Forest Service.

(c) EXCLUSION OF CERTAIN LANDS AND RIPARIAN PROTECTION.—

(1) EXCLUSION.—All spotted owl habitat areas and protected activity centers located within the pilot project area designated under subsection (b)(2) will be deferred from resource management activities required under subsection (d) and timber harvesting during the term of the pilot project.

(2) RIPARIAN PROTECTION.—

(A) IN GENERAL.—The Scientific Analysis Team guidelines for riparian system protection described in subparagraph (B) shall apply to all resource management activities conducted under subsection (d) and all timber harvesting activities that occur in the pilot project area during the term of the pilot project.

(B) GUIDELINES DESCRIBED.—The guidelines referred to in subparagraph (A) are those in the document entitled ''Viability Assessments and Management Considerations for Species Associated with Late-Successional and Old-Growth Forests of the Pacific Northwest'', a Forest Service research document dated March 1993 and co-authored by the Scientific Analysis Team, including Dr. Jack Ward Thomas.

(3) RIPARIAN RESTORATION.—During any fiscal year in which the resource management activities required by subsection (d) result in net revenues, the Secretary shall recommend to the authorization and appropriation committees that up to 25 percent of such net revenues be made available in the subsequent fiscal year for riparian restoration projects that are consistent with the Quincy Library Group-Community Stability Proposal within the Plumas National Forest, the Lassen National Forest, and the Sierraville Ranger District of the Tahoe National Forest. For purposes of this paragraph, net revenues are the revenues derived from activities required by subsection (d), less expenses incurred to undertake such activities (including 25 percent payment to the State of California under the Act of May 23, 1908 (Chapter 192; 35 Stat. 259; 16 U.S.C. 500, 553, 556d).

(d) RESOURCE MANAGEMENT ACTIVITIES.—During the term of the pilot project, the Secretary shall implement and carry out the following resource management activities on an acreage basis on the Federal lands included within the pilot project area designated under subsection (b)(2):

(1) FUELBREAK CONSTRUCTION.—Construction of a strategic system of defensible fuel profile zones, including shaded fuelbreaks, utilizing thinning, individual tree selection, and other methods of vegetation management consistent with the Quincy Library Group-Community Stability Proposal, on not less than 40,000, but not more than 60,000, acres per year.

(2) GROUP SELECTION AND INDIVIDUAL TREE SELECTION.—Utilization of group selection and individual tree selection uneven-aged forest management prescriptions described in the Quincy Library Group-Community Stability Proposal to achieve a desired future condition of all-age, multistory, fire resilient forests as follows:

(A) GROUP SELECTION.—Group selection on an average acreage of .57 percent of the pilot project area land each year of the pilot project.

(B) INDIVIDUAL TREE SELECTION.—Individual tree selection may also be utilized within the pilot project area.

(3) TOTAL ACREAGE.—The total acreage on which resource management activities are implemented under this subsection shall not exceed 70,000 acres each year.

(e) COST-EFFECTIVENESS.—In conducting the pilot project, Secretary shall use the most cost-effective means available, as determined by the Secretary, to implement resource management activities described in subsection (d).

(f) EFFECT ON MULTIPLE USE ACTIVITIES.—The Secretary shall not rely on the resource management activities described in subsection (d) as a basis for administrative action limiting other multiple use activities in the Plumas National Forest, the Lassen National Forest, and the Tahoe National Forest.

(g) FUNDING.—

(1) SOURCE OF FUNDS.—In conducting the pilot project, the Secretary shall use—

(A) those funds specifically provided to the Forest Service by the Secretary to implement resource management activities according to the Quincy Library Group-Community Stability Proposal; and

(B) excess funds that are allocated for the administration and management of Plumas National Forest, Lassen National Forest, and the Sierraville Ranger District of Tahoe National Forest.

(2) PROHIBITION ON USE OF CERTAIN FUNDS.—The Secretary may not conduct the pilot project using funds appropriated for any other unit of the National Forest System.

(3) FLEXIBILITY.—During the term of the pilot project, the forest supervisors of Plumas National Forest, Lassen National Forest, and Tahoe National Forest may allocate and use all accounts that contain excess funds and all available excess funds for the administration and management of Plumas National Forest, Lassen National Forest, and the Sierraville Ranger District of Tahoe National Forest to perform the resource management activities described in subsection (d).

(4) RESTRICTION.—The Secretary or the forest supervisors, as the case may be, shall not utilize authority provided under paragraphs (1)(B) and (3) if, in their judgment, doing so will limit other nontimber related multiple use activities for which such funds were available.

(5) OVERHEAD.—Of amounts available to carry out this section—

(A) not more than 12 percent may be used or allocated for general administration or other overhead; and

(B) at least 88 percent shall be used to implement and carry out activities required by this section.

(6) AUTHORIZED SUPPLEMENTAL FUNDS.—There are authorized to be appropriated to implement and carry out the pilot project such sums as are necessary.

(h) TERM OF PILOT PROJECT.—The Secretary shall conduct the pilot project during the period beginning on the date of the enactment of this Act and ending on the later of the following:

(1) The date on which the Secretary completes amendment or revision of the land and resource management plans for Plumas National Forest, Lassen National Forest, and Tahoe National Forest pursuant to subsection (j).

(2) The date that is five years after the date of the commencement of the pilot project.

(i) EXPEDITIOUS IMPLEMENTATION AND ENVIRONMENTAL LAW COMPLIANCE.—

(1) ENVIRONMENTAL LAW REQUIREMENT.—All environmental impact statements for which a final record of decision is required to be prepared in accordance with this subsection, and all records of decision adopted under this subsection, shall comply with applicable environmental laws and the standards and guidelines for the conservation of the California spotted owl as set forth in the California Spotted Owl Province Interim Guidelines issued by the Forest Service, and subsequently issued final standards and guidelines that modify such interim guidelines when such final standards and guidelines become effective.

(2) ENVIRONMENTAL IMPACT STATEMENT FOR PILOT PROJECT AND FIRST INCREMENT.—Not later than the expiration of the 150-day period beginning on the date of the enactment of this Act, the Regional Forester for Region 5 shall, after a 45-day period for public comment on the draft environmental impact statement under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) for all of the pilot project area specified in subsection (b)(2) that covers the resource management activities required by subsection (d) for the 5-year duration of the pilot project—

(A) adopt a final record of decision for that statement; and

(B) include as part of that statement a project level analysis of the specific resource management activities required by subsection (d) that will be carried out in an area within the pilot project area during the increment of the pilot project that begins on the day that is 150 days after enactment of this Act and ends December 31, 1998.

(3) SUBSEQUENT YEARLY ENVIRONMENTAL DOCUMENTS.—Not later than January 1 of 1999 and of each year thereafter throughout the term of the pilot project, the Regional Forester for Region 5 shall, after a 45-day public comment period, adopt a final record of decision for the environmental impact statement under section 102(2)(C) of the National Environmental Policy Act of 1969 consisting of a project level analysis of the specific resource management activities required by subsection (d) that will be carried out during that year. A statement prepared under this paragraph shall be tiered where appropriate to the environmental impact statement referred to in paragraph (2), in accordance with regulations issued by the Council on Environmental Quality.

(4) CONSULTATION.—Each statement and analysis required by paragraphs (2) and (3) shall be prepared in consultation with the Quincy Library Group.

(5) FOREST SERVICE FOCUS.—

(A) IN GENERAL.—The Regional Forester for Region 5 shall direct that, during the period described in subparagraph (B)—

(i) any resource management activity required by subsection (d), all road building, and all timber harvesting activities shall not be conducted on the Federal lands within the Plumas National Forest, Lassen National Forest, and Sierraville Ranger District of the Tahoe National Forest in the State of California that are designated as either ''Off Base'' or ''Deferred'' on the map referred to in subsection (a); and

(ii) excess financial and human resources available to National Forests and Ranger Districts that are participating in the pilot project shall be applied to achieve the resource management activities required by subsection (d) and the other requirements of this section within the pilot project area specified in subsection (b)(2).

(B) PERIOD DESCRIBED.—The period referred to in subparagraph (A) is when the resource management activities required by subsection (d) are being carried out, or are eligible to be carried out, on the ground on a schedule that will meet the yearly acreage requirements of subsection (d) and under environmental documentation that is timely prepared under the schedule established by paragraphs (2) and (3).

(6) PROTECTION OF EXISTING WILDERNESS.—This section shall not be construed to authorize any resource management activity in any area required to be managed as part of the National Wilderness Preservation System.

(7) CONTRACTING.—The Forest Service, subject to the availability of appropriations, may carry out any (or all) of the requirements of this section using private contracts.

(j) CORRESPONDING FOREST PLAN AMENDMENTS.—Within 180 days after the date of the enactment of this Act, the Regional Forester for Region 5 shall initiate the process to amend or revise the land and resource management plans for Plumas National Forest, Lassen National Forest, and Tahoe National Forest. The process shall include preparation of at least one alternative that—

(1) incorporates the pilot project and area designations made by subsection (b), the resource management activities described in subsection (d), and other aspects of the Quincy Library Group Community Stability Proposal; and

(2) makes other changes warranted by the analyses conducted in compliance with section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)), section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604), and other applicable laws.

(k) REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Not later than February 28 of each year during the term of the pilot project, the Secretary after consultation with the Quincy Library Group, shall submit to Congress a report on the status of the pilot project. The report shall include at least the following:

(A) A complete accounting of the use of funds made available under subsection (g)(1)(A) until such funds are fully expended.

(B) A complete accounting of the use of funds and accounts made available under subsection (g)(1) for the previous fiscal year, including a schedule of the amounts drawn from each account used to perform resource management activities described in subsection (d).

(C) A description of total acres treated for each of the resource management activities required under subsection (d), forest health improvements, fire risk reductions, water yield increases, and other natural resources-related benefits achieved by the implementation of the resource management activities described in subsection (d).

(D) A description of the economic benefits to local communities achieved by the implementation of the pilot project.

(E) A comparison of the revenues generated by, and costs incurred in, the implementation of the resource management activities described in subsection (d) on the Federal lands included in the pilot project area with the revenues and costs during each of the fiscal years 1992 through 1997 for timber management of such lands before their inclusion in the pilot project.

(F) A schedule for the resource management activities to be undertaken in the pilot project area during the calendar year.

(2) LIMITATION ON EXPENDITURES.—The amount of Federal funds expended on each annual report under this subsection shall not exceed $50,000.

(l) FINAL REPORT.—

(1) IN GENERAL.—Beginning after completion of 6 months of the second year of the pilot project, the Secretary shall compile a science-based assessment of, and report on, the effectiveness of the pilot project in meeting the stated goals of this pilot project. Such assessment and report—

(A) shall include watershed monitoring of lands treated under this section, that should address the following issues on a priority basis: timing of water releases, water quality changes, and water yield changes over the short and long term in the pilot project area;

(B) shall be compiled in consultation with the Quincy Library Group; and

(C) shall be submitted to the Congress by July 1, 2002.

(2) LIMITATIONS ON EXPENDITURES.—The amount of Federal funds expended for the assessment and report under this subsection, other than for watershed monitoring under paragraph (1)(A), shall not exceed $150,000. The amount of Federal funds expended for watershed monitoring under paragraph (1)(A) shall not exceed $75,000 for each of fiscal years 2000, 2001, and 2002.

(m) RELATIONSHIP TO OTHER LAWS.—Nothing in this section exempts the pilot project from any Federal environmental law.

H.R. 858

OFFERED BY MR. MILLER OF CALIFORNIA

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 2: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Quincy Library Group Forest Recovery and Economic Stability Act of 1997''.

SEC. 2. PILOT PROJECT FOR PLUMAS, LASSEN, AND TAHOE NATIONAL FORESTS TO IMPLEMENT QUINCY LIBRARY GROUP PROPOSAL.

(a) DEFINITION.—For purposes of this section, the term ''Quincy Library Group-Community Stability Proposal'' means the agreement by a coalition of representatives of fisheries, timber, environmental, county government, citizen groups, and local communities that formed in northern California to develop a resource management program that promotes ecologic and economic health for certain Federal lands and communities in the Sierra Nevada area. Such proposal includes the map entitled ''QUINCY LIBRARY GROUP Community Stability Proposal'', dated June 1993, and prepared by VESTRA Resources of Redding, California.

(b) PILOT PROJECT REQUIRED.—

(1) PILOT PROJECT AND PURPOSE.—The Secretary of Agriculture (in this section referred to as the ''Secretary''), acting through the Forest Service and after completion of an environmental impact statement, shall conduct a pilot project on the Federal lands described in paragraph (2) to implement and demonstrate the effectiveness of the resource management activities described in subsection (d) and the other requirements of this section, as recommended in the Quincy Library Group-Community Stability Proposal.

(2) PILOT PROJECT AREA.—The Secretary shall conduct the pilot project on the Federal lands within Plumas National Forest, Lassen National Forest, and the Sierraville Ranger District of Tahoe National Forest in the State of California designated as ''Available for Group Selection'' on the map entitled ''QUINCY LIBRARY GROUP Community Stability Proposal'', dated June 1993 (in this section referred to as the ''pilot project area''). Such map shall be on file and available for inspection in the appropriate offices of the Forest Service.

(c) EXCLUSION OF CERTAIN LANDS AND RIPARIAN PROTECTION.—

(1) EXCLUSION.—All spotted owl habitat areas and protected activity centers located within the pilot project area designated

under subsection (b)(2) will be deferred from resource management activities required under subsection (d) and timber harvesting during the term of the pilot project.

(2) RIPARIAN PROTECTION.—

(A) IN GENERAL.—The Scientific Analysis Team guidelines for riparian system protection described in subparagraph (B) shall apply to all resource management activities conducted under subsection (d) and all timber harvesting activities that occur in the pilot project area during the term of the pilot project.

(B) GUIDELINES DESCRIBED.—The guidelines referred to in subparagraph (A) are those in the document entitled ''Viability Assessments and Management Considerations for Species Associated with Late-Successional and Old-Growth Forests of the Pacific Northwest'', a Forest Service research document dated March 1993 and co-authored by the Scientific Analysis Team, including Dr. Jack Ward Thomas.

(d) RESOURCE MANAGEMENT ACTIVITIES.—During the term of the pilot project, the Secretary shall, to the extent consistent with applicable Federal law and the standards and guidelines for the conservation of the California Spotted Owl as set forth in the California Spotted Owl Sierran Province Interim Guidelines, implement and carry out the following resource management activities on the Federal lands included within the pilot project area under subsection (b)(2):

(1) FUELBREAK CONSTRUCTION.—Construction of a strategic system of defensible fuel profile zones, including shaded fuelbreaks, utilizing thinning, individual tree selection, and other methods of vegetation management consistent with the Quincy Library Group-Community Stability Proposal, on not less than 40,000, but not more than 60,000, acres per year.

(2) GROUP SELECTION AND INDIVIDUAL TREE SELECTION.—Utilization of group selection and individual tree selection uneven-aged forest management prescriptions described in the Quincy Library Group-Community Stability Proposal to achieve a desired future condition of all-age, multistory, fire resilient forests as follows:

(A) GROUP SELECTION.—Group selection on an average acreage of .57 percent of the pilot project area land each year of the pilot project.

(B) INDIVIDUAL TREE SELECTION.—Individual tree selection may also be utilized within the pilot project area.

(3) TOTAL ACREAGE.—The total acreage on which resource management activities are implemented under this subsection shall not exceed 70,000 acres each year.

(4) RIPARIAN MANAGEMENT.—A program of riparian management, including wide protection zones and an active restoration effort.

(e) COST-EFFECTIVENESS.—In conducting the pilot project, Secretary shall use the most cost-effective means available, as determined by the Secretary, to implement resource management activities described in subsection (d).

(f) FUNDING.—

(1) SOURCE OF FUNDS.—In conducting the pilot project, the Secretary shall use—

(A) those funds specifically provided to the Forest Service by the Secretary to implement resource management activities according to the Quincy Library Group-Community Stability Proposal; and

(B) excess funds that are allocated for the administration and management of Plumas National Forest, Lassen National Forest, and the Sierraville Ranger District of Tahoe National Forest.

(2) PROHIBITION ON USE OF CERTAIN FUNDS.—The Secretary may not conduct the pilot project using funds appropriated for any other unit of the National Forest System.

(3) FLEXIBILITY.—During the term of the pilot project, the forest supervisors of Plumas National Forest, Lassen National Forest, and Tahoe National Forest may allocate and use all accounts that contain excess funds and all available excess funds for the administration and management of Plumas National Forest, Lassen National Forest, and the Sierraville Ranger District of Tahoe National Forest to perform the resource management activities described in subsection (d).

(4) RESTRICTION.—The Secretary or the forest supervisors, as the case may be, shall not utilize authority provided under paragraphs (1)(B) and (3) if, in their judgment, doing so will limit other nontimber related multiple use activities for which such funds were available.

(5) OVERHEAD.—Of amounts available to carry out this section—

(A) not more than 12 percent may be used or allocated for general administration or other overhead; and

(B) at least 88 percent shall be used to implement and carry out activities required by this section.

(6) AUTHORIZED SUPPLEMENTAL FUNDS.—There are authorized to be appropriated to implement and carry out the pilot project such sums as are necessary.

(g) TERM OF PILOT PROJECT.—The Secretary shall conduct the pilot project during the period beginning on the date of the enactment of this Act and ending on the earlier of the following:

(1) The date on which the Secretary completes amendment or revision of the land and resource management plans for Plumas National Forest, Lassen National Forest, and Tahoe National Forest pursuant to subsection (h).

(2) The date that is five years after the date of the commencement of the pilot project.

(h) CORRESPONDING FOREST PLAN AMENDMENTS.—Within 180 days after the date of the enactment of this Act, the Regional Forester for Region 5 shall initiate the process to amend or revise the land and resource management plans for Plumas National Forest, Lassen National Forest, and Tahoe National Forest. The process shall include preparation of at least one alternative that—

(1) incorporates the pilot project and area designations made by subsection (b), the resource management activities described in subsection (d), and other aspects of the Quincy Library Group Community Stability Proposal; and

(2) makes other changes warranted by the analyses conducted in compliance with section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)), section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604), and other applicable laws.

(i) REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Not later than February 28 of each year during the term of the pilot project, the Secretary after consultation with the Quincy Library Group, shall submit to Congress a report on the status of the pilot project. The report shall include at least the following:

(A) A complete accounting of the use of funds made available under subsection (f)(1)(A) until such funds are fully expended.

(B) A complete accounting of the use of funds and accounts made available under subsection (f)(1) for the previous fiscal year, including a schedule of the amounts drawn from each account used to perform resource management activities described in subsection (d).

(C) A description of total acres treated for each of the resource management activities required under subsection (d), forest health improvements, fire risk reductions, water yield increases, and other natural resources-related benefits achieved by the implementation of the resource management activities described in subsection (d).

(D) A description of the economic benefits to local communities achieved by the implementation of the pilot project.

(E) A comparison of the revenues generated by, and costs incurred in, the implementation of the resource management activities described in subsection (d) on the Federal lands included in the pilot project area with the revenues and costs during each of the fiscal years 1992 through 1997 for timber management of such lands before their inclusion in the pilot project.

(F) A schedule for the resource management activities to be undertaken in the pilot project area during the calendar year.

(2) LIMITATION ON EXPENDITURES.—The amount of Federal funds expended on each annual report under this subsection shall not exceed $50,000.

(j) FINAL REPORT.—

(1) IN GENERAL.—Beginning after completion of 6 months of the second year of the pilot project, the Secretary shall compile a science-based assessment of, and report on, the effectiveness of the pilot project in meeting the stated goals of this pilot project. Such assessment and report—

(A) shall include watershed monitoring of lands treated under this section, that should address the following issues on a priority basis: timing of water releases, water quality changes, and water yield changes over the short and long term in the pilot project area;

(B) shall be compiled in consultation with the Quincy Library Group; and

(C) shall be submitted to the Congress by July 1, 2002.

(2) LIMITATIONS ON EXPENDITURES.—The amount of Federal funds expended for the assessment and report under this subsection, other than for watershed monitoring under paragraph (1)(A), shall not exceed $150,000. The amount of Federal funds expended for watershed monitoring under paragraph (1)(A) shall not exceed $75,000 for each of fiscal years 2000, 2001, and 2002.

(k) RELATIONSHIP TO OTHER LAWS.—Nothing in this section exempts the pilot project from any Federal environmental law.

H.R. 1775

OFFERED BY: MR. CONYERS

AMENDMENT NO. 2: Page 10, after line 15, insert the following new section:

SEC. 306. ANNUAL STATEMENT OF THE TOTAL AMOUNT OF INTELLIGENCE EXPENDITURES FOR THE CURRENT AND SUCCEEDING FISCAL YEARS.

At the time of submission of the budget of the United States Government submitted for fiscal year 1999 under section 1105(a) of title 31, United States Code, and for each fiscal year thereafter, the President shall submit to Congress a separate, unclassified statement of the appropriations and proposed appropriations for the current fiscal year, and the amount of appropriations requested for the fiscal year for which the budget is submitted, for national and tactical intelligence activities, including activities carried out under the budget of the Department of Defense to collect, analyze, produce, disseminate, or support the collection of intelligence.

H.R. 1775

OFFERED BY: MR. FRANK OF MASSACHUSETTS

AMENDMENT NO. 3: Page 6, after line 24, insert the following new section:

SEC. 105. REDUCTION IN FISCAL YEAR 1998 INTELLIGENCE BUDGET.

(a) REDUCTION.—The amount obligated for activities for which funds are authorized to

be appropriated by this Act (including the classified Schedule of Authorizations referred to in section 102(a)) may not exceed—

(1) the amount that the bill H.R. 1775, as reported in the House of Representatives in the 105th Congress, authorizes for such activities for fiscal year 1998, reduced by

(2) the amount equal to 0.7 percent of such authorization.

(b) EXCEPTION.—The amounts appropriated pursuant to section 201 for the Central Intelligence Agency Retirement and Disability Fund may not be reduced by reason of subsection (a).

(c) TRANSFER AND REPROGRAMMING AUTHORITY.—(1) The President, in consultation with the Director of Central Intelligence and the Secretary of Defense, may apply the limitation required by subsection (a) by transferring amounts among accounts or reprogramming amounts within an account, as specified in the classified Schedule of Authorizations referred to in section 102(a).

(2) Before carrying out paragraph (1), the President shall submit a notification to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate, which notification shall include the reasons for each proposed transfer or reprogramming.

H.R. 1775

OFFERED BY: MR. MCCOLLUM

AMENDMENT NO. 4: Page 10, after line 15, insert the following new section:

SEC. 306. REPORT ON INTELLIGENCE ACTIVITIES OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act and annually thereafter, the Director of Central Intelligence and the Director of the Federal Bureau of Investigation, jointly, in consultation with the heads of other appropriate Federal agencies, including the National Security Agency, and the Departments of Defense, Justice, Treasury, and State, shall prepare and transmit to the Congress a report on intelligence activities of the People's Republic of China, directed against or affecting the interests of the United States.

(b) DELIVERY OF REPORT.—The Director of Central Intelligence and the Director of the Federal Bureau of Investigation, jointly, shall transmit classified and unclassified versions of the report to the Speaker and minority leader of the House of Representatives, the majority and minority leaders of the Senate, the Chairman and Ranking Member of the Permanent Select Committee on Intelligence of the House of Representatives, and the Chairman and Vice-Chairman of the Select Committee on Intelligence of the Senate.

(c) CONTENTS OF REPORT.—Each report under subsection (a) shall include information concerning the following:

(1) Political, military, and economic espionage.

(2) Intelligence activities designed to gain political influence, including activities undertaken or coordinated by the United Front Works Department of the Chinese Communist Party.

(3) Efforts to gain direct or indirect influence through commercial or noncommercial intermediaries subject to control by the People's Republic of China, including enterprises controlled by the People's Liberation Army.

(4) Disinformation and press manipulation by the People's Republic of China with respect to the United States, including activities undertaken or coordinated by the United Front Works Department of the Chinese Communist Party.

H.R. 1775

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 5: Page 10, after line 15, insert the following new section:

SEC. 306. ESTABLISHMENT OF 3-JUDGE DIVISION OF THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA FOR DETERMINATION OF WHETHER CASES ALLEGING BREACH OF SECRET GOVERNMENT CONTRACTS SHOULD BE TRIED IN COURT.

(a) ASSIGNMENT OF JUDGES.—The Chief Justice of the United States shall assign 3 circuit judges or justices (which may include senior judges or retired justices) to a division of the United States Court of Appeals for the District of Columbia for the purpose of determining whether an action brought by a person, including a foreign national, in a court of the United States of competent jurisdiction for compensation for services performed for the United States pursuant to a secret Government contract may be tried by the court. The division of the court may not determine that the case cannot be heard solely on the basis of the nature of the services to be provided under the contract.

(b) *Assignment and Terms.*—Not more than 1 justice or judge or senior or retired judge may be assigned to the division of the court from a particular court. Judges and justices shall be assigned to the division of the court for periods of 2-years each, the first of which shall commence on the date of the enactment of this Act.

(c) FACTORS IN DIVISION'S DELIBERATIONS.—In deciding whether an action described in subsection (a) should be tried by the court, the division of the court shall determine whether the information that would be disclosed in adjudicating the action would do serious damage to the national security of the United States or would compromise the safety and security of intelligence sources inside or outside the United States. If the division of the court determines that the case may be heard, the division may prescribe steps that the court in which the case is to be heard shall take to protect the national security of the United States and intelligence sources and methods, which may include holding the proceedings in camera.

(d) REFERRAL OF CASES.—In any case in which an action described in subsection (a) is brought and otherwise complies with applicable procedural and statutory requirements, the court shall forthwith refer the case of the division of the court.

(e) EFFECT OF DIVISION'S DETERMINATION.—If the division of the court determines under this section that an action should be tried by the court, that court shall proceed with the trial of the action, notwithstanding any other provision of law.

(f) OTHER JUDICIAL ASSIGNMENTS NOT BARRED.—Assignment of a justice or judge to the division of the court under subsection (a) shall not be a bar to other judicial assignments during the 2-year term of such justice or judge.

(g) VACANCIES.—Any vacancy in the division of the court shall be filled only for the remainder of the 2-year period within which such vacancy occurs and in the same manner as the original appointment was made.

(h) SUPPORT SERVICES.—The Clerk of the United States Court of Appeals for the District of Columbia Circuit shall serve as the clerk of the division of the court and shall provide such services as are needed by the division of the court.

(i) DEFINITIONS.—For purposes of this section—

(1) the term ''secret Government contract'' means a contract, whether express or implied, that is entered into with a member of the intelligence community, to perform activities subject to the reporting requirements of title V of the National Security Act of 1947 (50 U.S.C. 413 and following); and

(2) the term ''member of the intelligence community'' means any entity in the intelligence community as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. App. 401a(4)).

(j) APPLICABILITY OF SECTION.—

(1) IN GENERAL.—This section applies to claims arising on or after December 1, 1976.

(2) WAIVER OF STATUTE OF LIMITATIONS.—With respect to any claim arising before the enactment of this Act which would be barred because of the requirements of section 2401 or 2501 of title 28, United States Code, those sections shall not apply to an action brought on such claim within 2 years after the date of the enactment of this Act.

H.R. 1775

OFFERED BY: MS. WATERS

AMENDMENT NO. 6: Page 10, after line 15, insert the following new section:

SEC. 306. STUDY OF CIA INVOLVEMENT IN THE USE OF CHEMICAL WEAPONS IN THE PERSIAN GULF WAR.

Not later than August 15, 1999, the Inspector General of the Central Intelligence Agency shall conduct, and submit to Congress in both a classified and declassified form, a study concerning Central Intelligence Agency involvement (or knowledge thereof) of the use of chemical weapons by enemy forces against Armed Forces of the United States during the Persian Gulf War. Such study shall determine—

(1) whether there is any complicity of Central Intelligence Agency agents, employees, or assets in the use of chemical weapons;

(2) whether there is any use of appropriated funds for such purposes; and

(3) the extent of involvement of other elements of the Intelligence Community of the United States or foreign intelligence agencies in the use of such weapons.

H.R. 1775

OFFERED BY: MS. WATERS

AMENDMENT NO. 7: Page 10, after line 15, insert the following new section:

SEC. 306. CLANDESTINE DRUG STUDY COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the ''Clandestine Drug Study Commission'' (in this section referred to as the ''Commission'').

(b) DUTIES.—The Commission shall—

(1) secure the expeditious disclosure of public records relevant to the smuggling and distribution of illegal drugs into and within the United States by the Central Intelligence Agency or others on their behalf or associated with the Central Intelligence Agency;

(2) report on the steps necessary to eradicate any Central Intelligence Agency involvement with drugs or those identified by Federal law enforcement agencies as drug smugglers; and

(3) recommend appropriate criminal sanctions for the involvement of Central Intelligence Agency employees involved in drug trafficking or the failure of such employees to report their superiors (or other appropriate supervisory officials) knowledge of drug smuggling into or within the United States.

(c) MEMBERSHIP.—The Commission shall be comprised of nine members appointed by the Attorney General of the United States for the life of the Commission. Members shall obtain a security clearance as a condition of appointment. Members may not be current or former officers or employees of the United States.

(d) COMPENSATION.—Members of the Commission shall serve without pay but shall each be entitled to receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(e) QUORUM.—A majority of the Members of the Commission shall constitute a quorum.

(f) CHAIRPERSON; VICE CHAIRPERSON.—The Chairperson and Vice Chairperson of the

Commission shall be elected by the members of the Commission.

(g) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairperson or Vice Chairperson of the Commission, the head of that department or agency shall furnish that information to the Commission.

(h) SUBPOENA POWER.—

(1) IN GENERAL.—The Commission may issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any matter which the Commission is empowered to investigate by this section. The attendance of witnesses and the production of evidence may be required from any place within the United States at any designated place of hearing within the United States.

(2) FAILURE TO OBEY A SUBPOENA.—If a person refuses to obey a subpoena issued under paragraph (1), the Commission may apply to a United States district court for an order requiring that person to appear before the Commission to give testimony, produce evidence, or both, relating to the matter under investigation. The application may be made within the judicial district where the hearing is conducted or where that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(3) SERVICE OF SUBPOENAS.—The subpoenas of the Commission shall be served in the manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil procedure for the United States district courts.

(4) SERVICE OF PROCESS.—All process of any court to which application is to be made under paragraph (2) may be served in the judicial district in which the person required to be served resides or may be found.

(i) IMMUNITY.—The Commission is an agency of the United States for the purpose of part V of title 18, United States Code (relating to immunity of witnesses). Except as provided in this subsection, a person may not be excused from testifying or from producing evidence pursuant to a subpoena on the ground that the testimony or evidence required by the subpoena may tend to incriminate or subject that person to criminal prosecution. A person, after having claimed the privilege against self-incrimination, may not be criminally prosecuted by reason of any transaction, matter, or thing which that person is compelled to testify about or produce evidence relating to, except that the person may be prosecuted for perjury committed during the testimony or made in the evidence.

(j) CONTRACT AUTHORITY.—The Commission may enter into and perform such contracts, leases, cooperative agreements, and other transactions as may be necessary in the conduct of the functions of the Commission with any public agency or with any person.

(k) REPORT.—The Commission shall transmit a report to the President, Attorney General of the United States, and the Congress not later than three years after the date of the enactment of this Act. The report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as the Commission considers appropriate.

(l) TERMINATION.—The Commission shall terminate on upon the submission of report pursuant to subsection (k).

(m) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $750,000 to carry out this section.

H.R. 2107

OFFERED BY: MR. GUTIERREZ

AMENDMENT NO. 1: Page 2, line 13, strike ''$581,591,000'' and insert in lieu thereof ''$576,939,000''.

Page 60, line 20, strike ''$636,766,000'' and insert in lieu thereof ''$638,866,000''.