The House met at 10 a.m.

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

Oh gracious God, as we seek to do the works of justice in our land, we know that You have called us to be messengers of reconciliation and understanding in all we do. May we build bridges of respect between people and sense the unity that we share by Your hand. Help us to recognize that though we differ on how we will achieve the goals to which we strive, we can honor each person, respect the differences that are ever with us, and seek to strengthen the unity and the bonds of trust that can knit us together as one people. In Your name, we pray. Amen.

PLEDGE OF ALLEGIANCE

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

Mr. KNOLENBERG led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

H.R. 1350. An act to amend the Merchant Marine Act, 1936 to revitalize the United States-flag merchant marine, and for other purposes.

H.R. 2504. An act to designate the Federal Building located at the corner of Patton Avenue and Otis Street, and the United States Courthouse located on Otis Street, in Asheville, North Carolina, as the “Veach-Baley Federal Complex.”

H.R. 3086. An act to designate the Federal building located at 1655 Woodson Road in Overland, Missouri, as the “Sammy L. Davis Federal Building.”

H.R. 3400. An act to designate the Federal building and United States courthouse to be constructed at a site on 10th Street between Dodge and Douglas Streets in Omaha, Nebraska, as the “Roman L. Hruska Federal Building and United States Courthouse.”

H.R. 3710. An act to designate the United States courthouse under construction at 611 North Florida Avenue in Tampa, Florida, as the “Sam M. Gibbons United States Courthouse.”

The message also 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. 2660. An act to increase the amount authorized to be appropriated to the Department of the Interior for the Tensas River National Wildlife Refuge.

NOTICE

A final issue of the Congressional Record for the 104th Congress will be published on October 21, 1996, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–60 or S–220 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m., through October 21. The final issue will be dated October 21, 1996 and will be delivered on October 23.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event, that occurred after the sine die date.

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

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

By order of the Joint Committee on Printing,

WILLIAM M. THOMAS, Chairman.
H.R. 3546. An act to direct the Secretary of the Interior to convey the Walhalla National Fish Hatchery to the State of South Carolina.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3666) “An Act making appropriations for the Department of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1997, and for other purposes.”

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

S. 1802. An act to direct the Secretary of the Interior to convey certain property containing a fish and wildlife facility to the State of Wyoming, and for other purposes.
S. 1875. An act to designate the United States courthouse in Medford, Oregon, as the “J. James A. Redden Federal Courthouse”.
S.J. Res. 64. Joint resolution to commend Operation Sail for its advancement of brotherhood among nations, its continuing commemoration of the history of the United States, and its nurturing of young cadets through training in seamanship.

ANNOUNCEMENT BY THE SPEAKER
The SPEAKER. The Chair will recognize ten 1-minutes on each side.

A SAD STATE OF AFFAIRS
(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, the Democratic Party finds itself in a very sad state of affairs. Instead of engaging the Republican Party on issues of importance to the American people, liberal Democrats come to the floor of the House engaged in a campaign to destroy the reputation of one man.

But I say to my colleagues, tearing down one man will not elevate the lives of the American people. Engaging in a smear campaign will not ease the worries of working Americans. The voters do not care about the personal insults we hurl at one another on this floor. They care about their children and the future we leave them. They care about the sad state of education in this country. They worry about crime and drugs, and they struggle under the burden of the Insane Tax Code.

I ask my colleagues this one question: Does that venom with which you speak to the C-SPAN cameras reflect well on the House of Representatives? I urge my colleagues to think first about this Nation and the reputation of this House and leave the personal attacks in the gutter where they belong.

RELEASE THE SPECIAL COUNSEL’S REPORT ON NEWT GINGRICH
(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, I am not going to call the Speaker a liar. But it is a fact that the Speaker has not been telling the media the whole truth about the findings of the Committee on Standards of Official Conduct. The Committee on Standards of Official Conduct has found him guilty of six charges.

And I am not going to call the Speaker a law violator even though it appears that the Speaker participated in a scheme to use nonprofit corporation’s tax-free contributions for political purposes. That is against the law.

It is quite clear that the Speaker has instructed “Stonewall” not to release the special counsel’s report. Why not? Because the report will show that the Speaker—

POINT OF ORDER
Mr. LINDER. Point of order, Mr. Speaker.

The SPEAKER pro tempore (Mr. CAMP). The gentleman will state his point of order.

Mr. LINDER. The gentleman from Missouri is referring to matters before the Committee on Standards of Official Conduct, which is explicitly against the House rules.

The SPEAKER pro tempore. The Speaker sustains the point of order, and the gentleman must proceed in order.

Mr. VOLKMER. Because the report will show that the Speaker is not the lily-white angel his supporters say he is, let us remove this dark cloud that hangs over these Chambers.

NANCY “Stonewall” JOHNSON, release the special counsel’s report on Newt Gingrich.

POINT OF ORDER
Mr. LINDER. Point of order, Mr. Speaker.

The SPEAKER pro tempore (Mr. CAMP). The gentleman will state his point of order.

Mr. LINDER. The gentleman from Missouri is referring to matters before the Committee on Standards of Official Conduct, which is explicitly against the House rules.

The SPEAKER pro tempore. The Chair sustains the point of order, and the gentleman must proceed in order.

Mr. VOLKMER. The Chair procures a Report.

Mr. VOLKMER. Release the report. The Speaker pro tempore.

The SPEAKER pro tempore. The Speaker pro tempore. The Speaker sustains the point of order, and the gentleman must proceed in order.

Mr. VOLKMER. Because the report will show that the Speaker is not the lily-white angel his supporters say he is, let us remove this dark cloud that hangs over these Chambers.

ANNOUNCEMENT BY THE SPEAKER
The SPEAKER. The Chair will recognize ten 1-minutes on each side.

Mr. Speaker, Jackie Robinson is still admired by millions of Americans today, I ask my colleagues to join me in paying tribute to this great athlete and humanitarian by supporting this legislation.

INTRODUCTION OF THE JACKIE ROBINSON COMMEMORATIVE COIN ACT
(Mr. FRANKS of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRANKS. Mr. Speaker, Jackie Robinson is still admired by millions of Americans today, I ask my colleagues to join me in paying tribute to this great athlete and humanitarian by supporting this legislation.

Mr. Speaker, Jackie Robinson was, in all respects, a great American. If all Jackie Robinson had done was to integrate major league baseball, that alone would have ensured his place in history. But Jackie Robinson also made baseball truly the national pastime through his outstanding accomplishments on and off the field.

Jackie Robinson was in all respects, a great American. If all Jackie Robinson had done was to integrate major league baseball, that alone would have ensured his place in history. But Jackie Robinson also made baseball truly the national pastime through his outstanding accomplishments on and off the field.

As we all observe the remarkable anniversary of the breaking of the color barrier in major league baseball by Jackie Robinson, I ask my colleagues to join me in paying tribute to this great athlete and humanitarian by supporting this legislation.

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

Mr. FLAKE. Mr. Speaker, I rise this morning, along with Mr. Bob Franks, to honor the late Jackie Robinson, one of our Nation’s greatest historical treasures. We do this by introducing legislation to mint a commemorative coin honoring the 50th anniversary of Jackie Robinson breaking the color barrier in major league baseball.

As we all observe the remarkable pennant and wild card races this week, we should take time out to remember that America’s pastime was once not the diverse sport that most Americans enjoy today. Through segregation, African Americans were relegated to the Negro leagues. Although these leagues were considered second rate, the baseball played was of the highest quality. This athletic segregation was the standard for most organized sports, and was a sad reflection of American society in general.

Jackie Robinson, however, became the trailblazer of professional athletic...
Mr. President, when murderers and rapists come out what is going wrong in our schools. When 6-year-olds are getting busted. Mr. Speaker, it does not take a rocket scientist to figure out what is going wrong in our schools, when murderers and rapists are getting probation and counseling and 6-year-olds are going to the slammer. J ohnathan, make sure you do not hug anybody. I yield back the balance of my friendship that might come out of our schools.

ADMINISTRATION POLICY IS “JUST SAY NOTHING” ON DRUGS

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

Mr. JOHNSON of Texas. Mr. Speaker, why since 1993 have we experienced such a dramatic increase in the use of drugs among our Nation’s children, when just a decade ago we were winning that fight? The answer is simple. We now have an administration that has replaced “just say no” with “just say nothing.”

The facts speak for themselves. Since 1993, marijuana use among 12- to 13-year-olds has increased 137 percent. This should not be surprising when we look at this administration’s priorities. Do Members know that they have over 110,000 IRS agents collecting taxes? That is enough to audit almost every person in the State of Texas. Compare that to 12,000 total drug enforcement and border patrol agents that protect our borders. That is taxes over drugs, 10 to 1. This administration must take responsibility for its failed drug policies and stop this epidemic before it destroys our children’s future.

IN SOME SCHOOLS RAPISTS GET COUNSELING WHILE 6-YEAR-OLDS GO TO THE SLAMMER

(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, it is common sense, schools are under attack. Guns, drugs, rape, even murder. Some schools are so bad they hire police to monitor the hallways and to combat this growing phenomenon.

Schools have clamped down all over the country, as evidenced by an action in Lexington, NC, where the schools suspended 6-year-old J ohnathan Prevette for kissing a 6-year-old on the cheek. That is right, J ohnathan was cited for sexual harassment. Think about it. In some schools where rapists get counseling, 6-year-olds are getting busted. Mr. Speaker, it does not take a rocket scientist to figure out what is going wrong in our schools, when murderers and rapists are getting probation and counseling and 6-year-olds are going to the slammer. J ohnathan, make sure you do not hug anybody. I yield back the balance of my friendship that might come out of our schools.

BOB DOLE AND JACK KEMP SHOULD NOT BE COUNTED OUT OF THE PRESIDENTIAL RACE

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

Mr. SALMON. Mr. Speaker, last Saturday my alma mater, the Arizona State Sun Devils, took on the No. 1 ranked, two-time defending national champion cornhuskers of Nebraska. The result should be a lesson to all the pundits who have already written off Bob Dole.

The pundits and so-called experts said A.S.U. had no chance against Nebraska. They pointed out that Nebraska had a 37 game winning streak, and that Nebraska had not been shut out in a regular season game since 1973. The point spread, looking a lot like some of the recent presidential polls, predicted that Nebraska would win by 23 points.

Yet Arizona State managed to shut out Nebraska 19-0.

The experts said Arizona State could not beat Nebraska, but the experts were wrong. The experts also tell us that Bob Dole and Jack Kemp do not have a chance to beat a certain liberal currently living in the White House. We Sun Devils know better.

RELEASE THE ETHICS REPORT AND THE WOMEN FROM THE BASEMENT

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

Mrs. MALONEY. Mr. Speaker, we are appealing to you to release the ethics report and to release the women from the basement.

As a New Yorker, I am anguished that the statute of our State’s most distinguished leaders—Susan B. Anthony, Elizabeth Cady Stanton, and Lucretia Mott—have remained in the basement of the Capitol for the past 76 years.

Mr. Speaker, almost every great struggle throughout American history is represented in the Capitol’s rotunda, including the leaders of those revolutions, Lincoln, Washington, and King. Exactly 76 years ago American women gained the right to vote, but our great leaders still are not allowed in the living room to stand beside the great men.

Mr. Speaker, American women ask the same question they asked President Wilson: how long must we wait?
that occurs, we should also recognize that the Republicans want to stop the debate from the Democrats, who ask, where is the ethics report on Speaker Gingrich?

**PRESIDENT CLINTON SHOULD DROP CONSIDERATION OF PARDONS FOR WHITETERE FRIENDS**

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

Mr. BACHUS. Mr. Speaker, this May, a Little Rock jury returned guilty verdicts on a total of 24 felony counts against President and Mrs. Clinton's Whitewater business partners, James and Susan McDougal, and the President's successor as Governor of Arkansas, Jim Guy Tucker.

It must have come as great comfort to Susan McDougal and her codefendants earlier this week when, in a televised interview, the President refused to rule out the possibility of pardons for them if he is reelected.

Accordingly, Mr. Speaker, I am introducing today a resolution that would declare that it is the sense of this House that President Clinton should specifically, categorically, and immediately disavow any Presidential pardons for his former Whitewater business partners and to former Governor Tucker. By passing this resolution before we adjourn to go home and face our constituents, we can send the right signal—that in this country, no one is above the law, and convicted criminals do not walk free by virtue of having friends in positions of power.

**YOU CAN RUN BUT YOU CAN'T HIDE**

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

Mr. LEWIS of Georgia. Mr. Speaker, last week the Ethics Committee concluded for the third time that the gentleman from Georgia, Newt Gingrich, violated House rules in his use of a political adviser for official business. The committee concludes—

**POINT OF ORDER**

Mr. CHRYSLER. Point of order, Mr. Speaker.

**ISSUES OF ETHICS**

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

Mr. KINGSTON. Mr. Speaker, I appreciate that, and I certainly hope that the Democrats who are so hung up on bringing down Newt Gingrich to the extent of breaking House rules in terms of issues in front of the Ethics Committee, will show equal compassion and curiosity when we review the Gephardt ethics allegations and a lot of other ethics allegations on the other side.

Mr. CHRYSLER. Mr. Speaker, he is referring to matters that are before the House Ethics Committee which are specifically forbidden in the House rules, is my point of order.

Mr. LEWIS of Georgia. Mr. Speaker, may I be heard on the point of order?

The SPEAKER pro tempore. The SPEAKER pro tempore (Mr. CAPP) The gentleman will suspend. The gentleman will state his point of order.

Mr. CHRYSLER. Mr. Speaker, he is referring to matters that are before the House Ethics Committee which are specifically forbidden in the House rules, is my point of order.

Mr. LEWIS of Georgia. Mr. Speaker, may I be heard on the point of order?

The SPEAKER pro tempore. The gentleman will suspend. The Chair again sustains the point of order, and the gentleman will proceed in order.

Mr. LEWIS of Georgia. There now exists a $500,000 report from the outside counsel. Later today or tomorrow, the House will once again consider a privileged resolution I have offered calling for the release of the outside counsel's report. The public deserves the right to see that report. I encourage all of my colleagues to vote for the release of the secret Gingrich ethics report.

Mr. LEWIS of Georgia. Mr. Speaker, he is referring to matters that are before the House Ethics Committee which are specifically forbidden in the House rules, is my point of order.

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Mr. LEWIS of Georgia. Mr. Speaker, may I be heard on the point of order?

The SPEAKER pro tempore. The SPEAKER pro tempore (Mr. CAPP) The gentleman will suspend. The gentleman will state his point of order.
Mr. HERGER. Mr. Speaker, last week President Clinton’s Interior Secretary, Bruce Babbitt, endorsed a plan to tax anything having to do with the great outdoors. The plan he endorsed called for a 5 percent tax on everything from binoculars to canteens to sleeping bags to birdseed.

Birdseed, Mr. Speaker? What is next? The air we breathe? It is true that Bill Clinton, the great conservative Republican that he is, has backed away from the plan, but is this just a glimpse of the future if Bill Clinton were to stay in power? Higher taxes, bigger government and more regulation. Mr. Speaker, they say it is hard for a leopard to change its spots. It is also hard for liberals to change their tax-and-spend tendencies, as Interior Secretary Babbitt has so eloquently proved.

Mr. Speaker, I believe that if the Clinton administration wins re-election, tax and spend will be back again. Welcome to the future, Mr. and Mrs. America.

CALL FOR RELEASE OF ETHICS COMMITTEE REPORT

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

Mr. MORAN. Mr. Speaker, normally what goes around comes around. Normally people who abuse their positions of power to destroy political rivals in underhanded and dishonest ways ultimately become the victims of their own corruption. The snake that they unleash from their souls invariably comes around to bite them as well. But that natural law of justice has been thwarted in this body. It has been thwarted because Speaker Gingrich has suppressed the release of an Ethics Committee report that details activities that make Speaker Wright’s improprieties pale in comparison.

Mr. Speaker, we have a number of quotes from Speaker Gingrich that identify the reasons why Speaker Wright was charged. They are far more applicable to the charges that have been leveled against Speaker Gingrich. If you take Speaker Gingrich at his words, we would release this Ethics Committee report today.

TROBLING STATISTICS RELEASED ON TEEN DRUG USE

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

Mr. RADANOVICH. Mr. Speaker, I am greatly troubled by the statistics recently released on teenage drug use. How can we feel good about ourselves as a society when teen drug use has increased 78 percent since 1992? By the future generation, 50 percent will know someone personally who uses acid, cocaine or heroin, and 43 percent have a friend with a serious drug problem.
Mr. Speaker, these are daunting statistics. And what makes matters worse is that this administration has done little to combat this rising tide of drug use. The Clinton administration’s 1995 budget proposed to cut 621 drug enforcement slots, and although he fought most of the cuts, 227 agents still lost their jobs with the Drug Enforcement Agency.

Mr. Speaker, this is a serious problem which demands serious answers. And this how we are to get from President Clinton when asked if he would in- hale if he had it to do over again is, "Sure, if I could. I tried before."

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

Mr. SCHROEDER. Mr. Speaker, 1 year ago, the Speaker of this House was unable to find a room anywhere in this Capitol Hill complex for the Democrats to have a hearing on Medicare cuts, were outdoors—outdoors—for many long days talking about what they were trying to do behind closed doors. And when seniors came to the Hill a year ago to ask the questions of the committees who were in charge, Speaker GINGRICH had them arrested and we had to go get them out. And now when we have charges against the Speaker that have been analyzed by an outside independent counsel, we are not allowed to see them. What is going on here?

POINT OF ORDER

Mr. CHRYSLER. Mr. Speaker, I make a point of order.

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

Mr. CHRYSLER. Mr. Speaker, the gentlewoman from Colorado is violating House rules by referring to matters before the Ethics Committee which are specified in House rules.

Mrs. SCHROEDER. May I be heard on the point of order, Mr. Speaker?

The SPEAKER pro tempore. The gentlewoman may be heard.

Mrs. SCHROEDER. My question is, what does this House do when not only just a regular Member of the House but the chief officer of the House, the third in line for the presidency, has these serious charges and we cannot see them even though they were publicly funded? Why can we not discuss them on this House floor and why are we told we must go outside to discuss them as we had to do Medicare cuts?

The SPEAKER pro tempore. For reasons previously stated, the Chair sustains the point of order and asks the gentlewoman to proceed in order.

Mrs. SCHROEDER. Mr. Speaker, I thought the gentleman from Georgia [Mr. Lewis] made a very emotional and correct appeal. There comes a time when we all must stand up and say, what are these rules for? Are they to keep the American people from learning the truth?

I am shocked that the United States of America that believes in free speech is gagging Members of Congress about the third most important elected official in America, and I am stunned the other side is insisting on that.

CONFERENCE REPORT ON H.R. 3259, INTELLIGENCE AUTHORIZA-
TION ACT FOR FISCAL YEAR 1997

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 529 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 529

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 3259) to authorize appropriations for fiscal year 1997 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes. All points of order against this report and against its consideration are waived. The conference report shall be considered as read.

Mr. Speaker, this rule is standard for a conference report, and is a fair product given our time constraints as we conclude this session of the Congress.

The rules before all points of order against the conference report accompanying the bill H.R. 3259, to authorize appropriations for fiscal year 1997 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. In addition the rule provides that the conference report shall be considered as read.

Mr. Speaker, I was honored to have participated in the tremendous effort that led to the completion of this bill. As a member of the House Permanent Select Committee on Intelligence—generally known as HPSCI—I was proud to serve under the tough and fair leadership of my chairman, Mr. COMBEST, in crafting this bill. It is a product I think we can all be proud of, born of bipartisan and bicameral cooperation and negotiation.

Mr. Speaker, I thought my colleague from California [Mr. BEILENSON], put his finger on an important point yesterday in our Rules Committee meeting, as he often does, when he said that no one pays much attention to our Nation’s intelligence programs. The truth is that, given the very nature of the topic, intelligence matters do not have a natural public constituency and do not generally arise for discussion around America’s dinner tables. But, as Mr. BEILENSON also pointed out, perhaps that is as it should be and I would argue that fact is a testament to the successes we have had with our intelligence operations, for the most part. Yes, there have been some high profile problems—and we have worked hard to be sure we have expeditiously and effectively. But overall, the way you know that there is good news in the intelligence world is when you hear no news at all. That is how the intelligence business works—the success stories are those that never become stories at all, because good, accurate, and timely intelligence allowed us to prevent bad things from happening.

Mr. Speaker, it is my view that the changing world around us makes good intelligence more necessary than ever before. There are more varied threats and more dispersed targets and the need for us to have well-tuned and properly trained eyes and ears has never been greater. The Intelligence Oversight Committees of this Congress recognize that and have conducted our oversight in a thoughtful and comprehensive manner. In addition to the efforts of our House committee, known as IC Working Group which made some very important recommendations for strengthening our intelligence capabilities to be ready for the next century, there was also the so-called Aspin-Brown Commission Review, which I was privileged to serve on. These efforts have laid down the groundwork and we now must move ahead in developing consensus and implementing meaningful change. Finally, Mr. Speaker, let me say that everyone understands the intense competition that exists in our finite budget world and the current level of the expenditure of America’s tax dollars.

We know that that intelligence is a necessary commodity that saves lives and allows for prudent decisionmaking by our leaders, decisions that are not just involved with the military, although we all know that is a major component, but decisions also in other vital areas, such as fighting terrorism and dealing with the international drug problems.

I think this bill addresses these needs, although I think we must guard against expanding international law enforcement activity at the expense of our nation’s drug problems.

Mr. Speaker, this is a fair rule, and it is a good bill.

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

Mr. BEILENSON. Mr. Speaker, I yield myself such time as I may have.

Mr. Speaker, I thank my good friend, the gentleman from Florida [Mr. Goss], for yielding the customary half hour of debate time to me.
Mr. Speaker, we do not oppose House Resolution 529, the rule for the conference report on H.R. 3259, the Intelligence Authorization Act for fiscal year 1997, which the gentleman from Florida explained so well. We do, however, have concerns about the creation of several standing House rules that the resolution provides, and wanted to mention them to the membership.

The resolution also waives the 3-day layover rule, whose purpose is to ensure that Members have the opportunity to examine a conference agreement, and with respect to this particular measure, the classified annex to the report, and yet consider whether the House is short on time just now that disregarding this important rule is necessary.

I demurred from participating last night in the colloquy for Mr. BEILENSON and Mr. MOORHEAD, where many of my friends and I did, mainly because it was done by Californians. But I want Mr. BEILENSON to understand that Floridians feel the same way, although we have to be a little more circumspect how we say it.

I also wanted to say with the point on the rule that Mr. BEILENSON brought up, the discussion that took place yesterday on the waivers, we did have some conversation on the record in the committee, and much of what Mr. BEILENSON has talked about, as I know, I had the privilege of serving on the Permanent Select Committee on Intelligence for 7 years, two of those years as its chairman. Those were among the most challenging and rewarding years in Congress for me.

I simply want to thank my colleagues, those with whom I served on the committee, many of whom remain only committee, and those who have followed us, for the dedication and the enormous amount of time and energy they put into the work of the committee, especially the gentleman from Texas, the chairman, Mr. COMBEST, and the gentleman from Washington, Mr. DICKS, the ranking member, and also our mutual friend, and also my colleague on the Committee on Rules, probably the only person around here who has much of a background in intelligence and really knows what he is talking about. From the gentleman from Florida, Mr. GOSS, for the dedication and enormous amount of time and energy that they give to the work of the committee. And also I would like to personally attest to the fact that the committee staff is among the best in Congress, and it is entirely staff, as I know we all do, for helping make this committee outstanding.

Mr. Speaker, to repeat, we are not opposed to this rule providing waivers for the conference report on the intelligence authorization bill. We urge our colleagues to approve it, so we may expedite consideration of the conference agreement.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.
Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution. The previous question was ordered. The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. COMBEST. Mr. Speaker, pursuant to House Resolution 529, I call up the conference report on the bill (H.R. 3259) to authorize appropriations for fiscal year 1997 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, and ask for its immediate consideration.

The Clerk read the title of the bill. The SPEAKER pro tempore. Pursuant to House Resolution 529, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of September 24, 1996, at page H10937.)

The SPEAKER pro tempore. The gentleman from Texas [Mr. COMBEST] and the gentleman from Washington [Mr. DICKS] control 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. COMBEST].

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

Mr. Speaker, I rise in support of the conference report for H.R. 3259, the Intelligence Authorization Act for fiscal year 1997. H.R. 3259 authorizes appropriations for the intelligence activities of the U.S. Government. H.R. 3259 makes a modest increase of 2.3 percent over the President's request; it is 2.2 percent higher than last year's appropriation, adjusted for inflation. We continue to believe that intelligence, more than ever, must be our first line of defense, of warning and of analysis. Intelligence is extraordinarily professional and effective and does a very good job for this institution.

The intelligence authorization had relatively smooth sailing in the House last May. But its passage through the Senate was difficult, to say the least. On more than one occasion it appeared likely that there would be no authorization bill for intelligence programs and activities in fiscal year 1997. In my judgment, that result would have been bad for the congressional oversight process and bad for the intelligence agencies.

Chairman COMBEST's persistence and his willingness to compromise when it was necessary, without sacrificing the essence of the position taken by the Permanent Select Committee on Intelligence is extraordinarily professional and effective and does a very good job for this institution.

Mr. DICKS. Mr. Speaker, I yield myself such time as I may consume, and rise in support of the conference report on H.R. 3259.

At the outset I want to commend the gentleman from Texas, Chairman COMBEST, for the effort he has devoted to bringing this legislation back to the House. I also want to join him in complimenting our staff. I think the staff of the Permanent Select Committee on Intelligence is extraordinarily professional and effective and does a very good job for this institution.

The conference report contains an overall authorization level which is 2.3 percent above the amount requested by President Clinton in part because a significant amount recently requested by the administration for counterterrorism activities is included. Even with this initiative, the conference report is 1.5 percent below the level approved by the House in May.

I believe the increase above the request is justifiable given the costs inherent in many sophisticated intelligence collection systems, and the absolute necessity of ensuring that our policymakers and military commanders have access to the most comprehensible, reliable, and timely information possible on which to base their decisions and actions. Intelligence is expensive, but the cost of not having information about threats to our national security is incalculable.

The conference report which did include that, I urge my colleagues to give it their support as well.

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

Mr. COMBEST. Mr. Speaker, I yield myself such time as I may consume to make certain the record is complete and say that I join with my colleague from Washington in concerns about the three new deputies in CIA. That was the recommendation made in the report of the committee of which I served, and several of our efforts emerged many thought-provoking ideas, some of which deserve further consideration.

What did not emerge, however, was a consensus on the question of whether the community needed fundamental organizational change. There was simply no showing and certainly no conclusion by executive branch officials that the current structure hinders the effective conduct of intelligence activities.

The relationship between the Secretary of Defense and the Director of Central Intelligence on intelligence matters, particularly the intelligence budget, is key to the management of the intelligence community. Currently the relationship is not working. In the absence of any evidence that it cannot continue to do so, there is simply no impetus for radical change.

The conference report does, however, make some changes in the community's structure. Despite my support for the conference agreement, I have reservations about placing additional layers of bureaucracy on the community's organizational charts. It is not all clear what purpose three Assistant Directors of Central Intelligence will serve, nor is it clear what short-comings in the existing structure they are to remedy.

When the reform process began last year, its stated purpose in the House and in the other body was to produce a more streamlined, flexible intelligence community. I am concerned that what we have done, instead, is to create more Senate-confirmed positions whose occupants will spend most of their time searching for something productive to do.

Despite these reservations, I intend to support the conference agreement because I believe that, on balance, it makes progress in some technical collection areas in which innovation is necessary. I urge my colleagues to give it their support as well.

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

Mr. COMBEST. Mr. Speaker, I yield myself such time as I may consume to the gentleman from New Mexico [Mr. RICHARDSON].
Mr. DICKS. Mr. Speaker, I yield such remarks.)

Mr. RICHARDSON. Mr. Speaker, I yield to the gentleman from New Mexico.

Mr. RICHARDSON. I yield to the gentleman from Texas.

Mr. COMBEST. Mr. Speaker, I would be remiss as well, and was planning to rise to pay commendation to the gentleman from New Mexico, that this is the first time I have ever been commended for my liberal views, but I appreciate that.

Mr. DICKS. Mr. Speaker, I want to commend the gentleman from New Mexico as the most extensive traveler, but he is quite successful. The only thing I have ever asked of Mr. RICHARDSON when he travels is he bring me something that is not used to collect intelligence. Nothing could be more detrimental to the safety of U.S. journalists who work in dangerous places overseas and who, by the very nature of their profession, must be constantly asking questions and trying to discover information, than to be suspected of being a spy for the United States. As I noted when my amendment was debated in the House last May, there is a distinction between reporters as commentators on Government and reporters as instruments of government. The prohibition in this conference report on the use of American journalists as intelligence agents or assets would underscore and strengthen that distinction.

The language in section 309 would not prevent those journalists who choose to provide information to a U.S. intelligence agency from doing so. It also recognizes that there may be extraordinary circumstance in which the prohibition needs to be waived in the interest of our national security. In those cases, the national security determination must be made in writing and the intelligence committees must be informed.

Mr. Speaker, section 309 is consistent with the independence guaranteed to the press by our Constitution and it is consistent with the proper discharge of our responsibility to protect as best we can American journalists who travel or work in difficult circumstances overseas. I urge that we better ensure the safety of these journalists by passing this conference agreement.

Mr. DICKS. Mr. Speaker, I wish to commend the gentleman from New Mexico, Mr. RICHARDSON, for his extraordinary service to the committee. He has undertaken a series of international initiatives which have been completely successful and important to our country. I just want him to know how much I personally appreciate his work and efforts and his tireless energy, especially in the area of human rights and protecting Americans internationally.

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

Mr. RICHARDSON. I yield to the gentleman from New Mexico.

Mr. DICKS. Mr. Speaker, I wish to commend the gentleman from New Mexico, Mr. RICHARDSON, for his extraordinary service to the committee. He has undertaken a series of international initiatives which have been completely successful and important to our country. I just want him to know how much I personally appreciate his work and efforts and his tireless energy, especially in the area of human rights and protecting Americans internationally.

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

Mr. RICHARDSON. I yield to the gentleman from Texas.
Ms. WATERS. Mr. Speaker, I rise to discuss an important intelligence matter that is not contained in this conference report and, hopefully, I can establish a colloquy with the ranking member, the gentleman from Washington, Congressman Dicks, on this matter.

I am speaking about recent reports that hired CIA operatives sold drugs in the United States to fund the Nicaraguan contra operations in the early 1980's. The crack cocaine operation started in Los Angeles, that was involved in this particular project caused the introduction of the substance to South Central Los Angeles and to other inner-city communities.

Now, news of this scandal has spread across America like wildfire, and there has been a flurry of activities around these reports. Today, I would first like to commend Congressman Dicks, along with the gentleman from California, Congressman Dixon, and the gentleman from Texas, Congressman Combest, for their response to the request to open investigations around this issue.

I would like to ask Congressman Dicks, who is here with us today, whether or not he feels it is possible for the Permanent Select Committee on Intelligence to provide the kind of investigation that can satisfy the citizens of this country, one way or the other, that our Government, the CIA, DEA, or was not involved in this kind of activity.

The reason I ask the gentleman this because of his seniority on the committee. He knows the quality of the work there. There is a lot of suspicion from the calls that I receive that there will not be the kind of investigation that will reap the kind of information that we need to put this issue to rest.

I would like to ask the gentleman whether or not he thinks this committee is up to the chore, up to the job. What can we expect?

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

Ms. WATERS. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Speaker, first of all, I want to commend the gentlewoman for her attention to this very serious matter. As someone who has a McClatchy paper in my district, when I read these two articles, I was stunned by them. Of course, the conclusions drawn there are done by inference. As you know, the Central Intelligence Agency denies complicity in this series of events.

Having said that, first of all, I think I wanted to give my assurance, and certainly I would like to have the chairman have an opportunity to comment here as well, my assurance that our committee will look into this completely and fully because we take it as a very serious matter.

I called Director Deutch when I read the articles and told him that I thought this was going to be a very serious problem and that he had to personally get involved and find out as much about this as he could.

The Director has done that, and he has asked that. He has also stated that he does not believe that the CIA was involved and that the Independent Inspector general to completely look at this matter. That is underway. We are going to have an investigation over the next 60 days.

Then there will be a report to the committee. We will then look at, as we conduct our own investigation going back and looking at events surrounding the Iran-Contra affair and previous reports that were done on this issue, because this is not the first time that this issue has come up.

Also, I am told that the Attorney General has directed the Justice Department's inspector general to conduct an investigation into the Department's knowledge and involvement, if any, in this issue, involving the drug trade.

So we have the Justice Department looking at this; General McCaffrey has also said, the drug czar for the President, that they are looking at it; and the Director of the CIA and this committee and our counterpart in the Senate assume will look at it as well.

I hope for the sake of the American people that we are able to investigate this matter. I hope and pray that the story is not accurate. I think it would be a disservice to the intelligence community, to the country, and to thousands of Americans who have been affected by crack cocaine if this, in fact, proved to be true or if there was even knowledge about it and no action was taken at the time.

I will just give the gentlewoman, the only pledge I can give you is that the minority member of the Select Committee on Intelligence, the gentleman from California [Mr. Dixon], has been involved in this very much involved. We will vigorously pursue this to try to find the truth and present it to the American people.

Maybe the gentleman from Texas [Mr. Combest] would like to enter into this at this juncture.

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

Ms. WATERS. I yield to the gentleman from Texas.

Mr. COMBEST. Mr. Speaker, just to make certain that there is a complete record on the part of the Congresswoman concerning a request that DCI Deutch has instructed the CIA Inspector General to also investigate these allegations as well. I think this is a worthwhile
It has been Committee practice to withhold any final statements on issues of this sort until the Inspector General has reported. I think it is prudent that we follow this course.

I understand your concern and appreciate your interest. Please feel free to contact me or the Committee staff director, Mark Lowen, if we may be of further help on this matter.

Sincerely,

LARRY COMBEST,
Chairman.

Congress of the United States,
House of Representatives,
Washington, DC, September 17, 1996.

Honor. LARRY COMBEST,
Chairman, Permanent Select Committee on Intelligence, The Capitol, Washington, DC.

DEAR MR. COMBEST: I call your attention to an astonishing series of articles which appeared August 18-20, 1996 in the San Jose Mercury News. This report traces the origins of the crack cocaine trade in South-Central Los Angeles to the early Central Intelligence Agency (C.I.A.)-directed effort to raise funds for the Contra rebels seeking to overthrow the Marxist government in the early 1980s. The CIA-connected agents who smuggled cocaine into the United States, converted it into crack, and sold it on the streets of Los Angeles. They subsequently expanded their business into other inner city neighborhoods throughout this country.

Because of their seriousness, I believe these charges must be examined, in detail, as quickly as possible by Congress. As the chairman of the Intelligence Committee, I believe you can begin this process.

What is being alleged is that portions of the United States government—in particular, members of our intelligence community—may have exposed, indeed introduced, the home-grown trade to many American citizens. I, and many people in communities across America, are horrified by the documented travails of these activities. As policymakers, we have an obligation to uncover the truth in this matter.

I believe Congress, and in particular the United States House of Representatives, must take swift, serious, and forceful action to show the American people we are determined to examine the allegations leveled by these reports. Moreover, we must show our determination to punish the drug dealers who have literally destroyed thousands of American families through the horrors of crack cocaine and the violence associated with it.

I understand we are approaching the end of this session of Congress. However, I believe these charges are so serious that they warrant Congress' immediate attention, even if that necessitates extraordinary procedures.

I look forward to working with you on this most important matter. Your cooperation is charged with one of the most important responsibilities in Congress. With your help, I believe we can start a process that will give us an opportunity to address the serious questions raised by the San Jose Mercury News.

Thank you in advance for your cooperation.

Sincerely,

MAXINE WATERS.

Mr. DICKS, Mr. Speaker, if the gentlemen will continue to yield, I would also like to insert in the RECORD a letter that the chairman and I sent to Mr. Deutch after I had talked to him on the phone about this issue on, late in August, just to complete the RECORD.

The letters are as follows:

CENTRAL INTELLIGENCE AGENCY,
Washington, DC, September 4, 1996.
Hon. NORM D. DICKS,
Ranking Democratic Member, Permanent Select Committee on Intelligence, House of Representatives, Washington, DC.

DEAR MR. DICKS: As you and I discussed in a 4 September conversation, allegations have been made by the San Jose Mercury News that the Central Intelligence Agency engaged in drug trafficking to support the Contras in their effort to overthrow the Sandinista government in Nicaragua. Specifically, the Mercury News alleges or infers a relationship between the Agency and drug smuggling activities in which two Nicaraguan nationals, Oscar Danilo Blandon Reyes and Juan Norwin Meneses Cantarero, were engaged.

I consider these to be extremely serious charges. The review I ordered of Agency files, including those stored at CIA in 1983 and briefed to both intelligence committees, supports the conclusion that the Agency neither participated in nor condoned drug trafficking by Central American nationals. The Agency never had any relationship with either Blandon or Meneses, nor did it ever seek to hide information concerning either of them with the CIA.

Although I believe there is no substance to the allegations in the Mercury News, I do wish to dispel any lingering public doubt on the subject. Accordingly, I have asked the Agency's Inspector General to conduct an immediate and thorough internal review of all the allegations concerning the Agency published by the newspaper.

I will write again to report to you when the Inspector General's review is completed. I have asked that the review be finished within 60 days.

An similar letter is being sent to Chairman Combest.

Sincerely,

JOHN DEUTCH,
Director of Central Intelligence.

U.S. House of Representatives,
Permanent Select Committee on Intelligence,
Washington, DC, September 17, 1996.
Hon. J. JOHN M. DOHRN,
Director of Central Intelligence,
Washington, DC.

DEAR MR. Deutch: We have read with concern the recent series of articles that appeared in the San Jose Mercury News alleging Central Intelligence Agency involvement in the introduction, financing, and distribution of crack cocaine into communities of Los Angeles. According to the articles, these activities were undertaken to provide a continuing stream of support to the Nicaraguan Democratic Resistance in their efforts to overthrow the leftist Sandinista government.

These allegations, if true, raise serious concerns about the activities of the United States intelligence community in support of the Nicaraguan Democratic Resistance. To effectively discharge the responsibilities of this Committee, we have instructed the staff to undertake an investigation of the charges levied in the Mercury News. In order to complete this undertaking it will be necessary for staff to review certain documents in the possession of the CIA and to interview relevant Agency personnel. In this regard, we request that information and personnel be made available to the Committee staff. The documents necessary for the Committee to complete its investigation will be specified as the investigation proceeds.

Allegations of the sort contained in the Mercury News erode public confidence in the Central Intelligence Agency. I commend your decision to have the Inspector General investigate this matter, the Committee must conduct its own inquiry as part of its oversight responsibilities. Your cooperation in this matter will be greatly appreciated.

Sincerely,

LARRY COMBEST,
Chairman.

CENTRAL INTELLIGENCE AGENCY,
Washington, DC, September 17, 1996.

Honor. NORM D. DICKS,
Ranking Democratic Member, Permanent Select Committee on Intelligence, House of Representatives, Washington, DC.

DEAR MR. DICKS: I am writing in response to your letter of 6 September 1996 to Director Deutch, in which you expressed concern about recent press allegations that the Central Intelligence Agency engaged in drug trafficking in association with the Contras in Nicaragua. We appreciate the concern noted in your letter and stand ready to assist you and the Committee in your review of this extremely serious matter.

The briefing that Agency officials provided to you and Mr. Dixon on 11 September 1996 conveyed our assessment that the Agency neither participated in nor condoned drug trafficking by Contra forces. As the Director has stated, though, we believe it is essential to dispel any public doubt on this subject. In particular, the Director stresses your view that the extent and disposition of any knowledge by CIA officials of Contra involvement in drug trafficking must be assessed.

As you know, the Agency Inspector General (IG) has launched an investigation of the allegations and we will keep you apprised of progress and results of that work. Beyond the IG effort, however, I want to reiterate Director Deutch's assurances that we will cooperate fully with you and the Committee in any inquiry you may conduct.

Sincerely,

JOHN H. MOSEMAN,
Director of Congressional Affairs.

Ms. WATERS, Mr. Speaker, I would like to thank the chairman and the ranking member for the cooperation that they have shown thus far in moving toward this investigation. It has been mentioned on any number of occasions that we have had these kinds of investigations, but this one, I think, is very special and different.

While in the past there has been some mention of drugs, there has not been an investigation that tried to determine whether, in fact, there was an introduction of large amounts of cocaine into south central Los Angeles and spread out among the gangs in south central Los Angeles and further to other gangs in other cities, and the proceeds from this drug activity being given to the Contras to fund the FDN.

So it takes a little bit of a different turn here when we look at whether or not CIA operations were involved in this drug trafficking into inner-city areas. And of course my interest is well known. Part of my district is south

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Mr. Speaker, I yield such time as he have, are going to take that up with the where the committee would have to vote to approve that. The committee will have absolutely no objection to that and will take that up this afternoon at a hearing at 2:00, assuming that we have that letter. So we are trying to move as expeditiously as possible to help Mr. Stokes in his inquiries as well.

Ms. WATERS. Mr. Speaker, it is my understanding that, as chairman of the committee, you automatically have subpoena powers; is that correct?

Mr. COMBEST. The gentleman is correct.

Ms. WATERS. And that you may choose to use those subpoena powers at any point in your investigation and your hearings?

Mr. COMBEST. The gentleman is correct.

Ms. WATERS. I thank the gentleman very much for the very little bit to put this in the RECORD, because the question has been asked of me by people calling in.

Mr. DICKS. I want to commend the gentlewoman for her leadership on this issue and tell her that we will work very closely with her.

Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Speaker, as the discussion today indicates, a free and democratic country such as ours faces a peculiar predicament in trying to deal with secrets, with spying, with the activities of the intelligence community in a way that is consistent as possible with our democratic values and the principles of open government. It is a ticklish and delicate responsibility that this committee undertakes on behalf of the full membership of the House.

I just want to commend both the gentleman from Texas, our chairman, and our ranking member from Washington State and the fine staff that the committee has for this ongoing effort.

One of the things that we are able to talk about openly is about how the efforts that are ongoing to try to deal with the system of classification of national security information. This bill continues the effort that has been under way for a couple of years now to push the intelligence community, both civilian and military, to better deal with the information that pertains to national security issues.

I think we all recognize that much of this country's foreign policy and national security issues will derive directly or indirectly from the pressures of environmental degradation, population growth, all that goes with that. It is important that we make available to the public the information gathered through our national security establishment, as much of the information as we can relate to these issues that happens to have come into our possession through overhead imagery and other assets that the intelligence community currently uses.

This bill, along with pushing on declassification in general, also increases the funding levels for moving some of this material out of the classified realm and sharing it with appropriate agencies of government, civilian researches, and others that can put to productive use this very significant information that we have to acquire through out intelligence capabilities. I want to thank again Mr. COMBEST and Mr. DICKS for their willingness and help in bringing the bill along in this respect.

I urge adoption of the conference report.

Mr. DICKS. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Oregon [Ms. FURSE], my good friend and colleague.

Ms. FURSE. Mr. Speaker, I thank the gentleman for yielding me the time. I want to refer to the conversation that took place earlier regarding the Iran-Contra situation, the articles of crack cocaine being brought in to fund the Nicaraguan war.

There are two points I would like to make: One, that did not just happen in east Los Angeles. It is my understanding from this article that a notorious drug dealer who plagued Portland, OR, the gangs moved into Portland, OR, and a crack situation is very open and is also implicated in this issue. So this is a nationwide problem that every one of us needs to be concerned about.

The second issue I would like to bring to the chairman and the ranking member is an issue of immigration. We are working on an immigration bill later today, but I wanted to quote from a judge who talked about a notorious person, a Mr. Meneses, who was very involved in this. He was arrested in 1991 in Nicaragua. The judge, Judge Quezada, did this to explain the fact that Norwin Meneses, implicated since 1974 in the trafficking of drugs, has not been detained in the United States, a country in which he entered, lived, departed many times since 1974.

The contras who were funded with this drug money had their base camps in Honduras at the time. There are allegations that some of them were involved in cases of disappearances in Honduras. Right now, in a landmark case, Honduran military officers have been indicted for their involvement with human rights violations and their trial is pending. Some of those military officers had very close ties to the contras.

During the early 1980's the United States sent millions of dollars to the Honduran military as a bulwark against the Sandinista government in Nicaragua and against the guerrillas in both El Salvador and Guatemala. We built and operated military bases, airfields, and sophisticated radar systems on Honduran territory. The United States Government also helped to establish, train, and equip a special military unit which was responsible for kidnapping, torture, disappearance, and murder of at least 184 Honduran citizens; students, professors, journalists, and human rights activists.

Human rights investigators have been threatened by a death threat to Honduras within Honduras. Our Government has records that would be useful to those in the Honduran Government who are attempting to bring justice and prosecute those who are guilty of human rights atrocities.

Mr. Speaker, I want to stress the importance of declassification of documents, the funding for which is authorized in this conference report. The State Department has provided...
some initial documents to the Honduran Government. My colleagues, Mr. LANTOS and Mr. PORTER, cochairs of the Congressional Human rights Caucus, are circulating a letter to the President right now that asks for declassification of documents that will help shed light on the situation of human rights abuses in Honduras during the time of our contra-drug connection.

I urge my colleagues to sign Mr. LANTOS' and Mr. PORTER's letter, and to continue our quest for truth in the morass of problems caused by United States involvement in war against the Nicaraguans.

So I want to congratulate the chairman and the ranking member for taking this so seriously because it really does implicate so many of the institutions we hold in such high esteem in this country, and I want to say that the citizens of Portland, OR, are extremely concerned that these drugs came into our fair city and have so hurt the lives of young people.

Mr. COMBEST. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. McCOLLUM], a member of the committee.

Mr. Speaker, I thank the gentleman for yielding this time to me. I am very concerned about the allegations I have heard discussed this morning about the CIA having had a role in drug trafficking back during the Iran-contra period, mainly because I do not personally think there is any truth to it and I have some personal knowledge about it.

I recall that when I was the ranking member and when we were in the minority on my side of the aisle and I was the ranking member of the Crime Subcommittee of which I am now chairman, then-Chairman Bill Hughes of New Jersey and I spent 2 years investigating the question that is raised by the newspaper accounts that have been reporting. We sent committee staff actually live down into the Nicaraguan scene to investigate these allegations. A lot of time, staff time, was spent, and the net result of the 2-year investigation was there was no substantial credible evidence that this occurred.

Mr. Speaker, what we have out here this morning and what we have been discussing in the last week or so are some newspaper accounts of a statement made by a known criminal in California in a case which has been released to the public now where he has made these allegations, but there is no corroboration of it. I understand that Mr. Deutch, who is the director of the Central Intelligence Agency, has said he will thoroughly look into this again, but I feel very confident that based on what I know and having been through this process for 2 years with an investigative team, that there is going to be no credible evidence turned up to corroborate this.

I do not doubt there may have been some drug dealing by somebody who was in some way connected historically with a group that was involved with the contras, but to say they were out there raising money at the behest of the U.S. Government, the CIA was helping them, and that kind of innuendo, I think, is putting the horse before the cart and making some conclusions that just are not warranted at this time, and I would urge my colleagues to refrain from jumping to any conclusions about this matter.

Let the CIA do its investigation. Ms. WATERS. Mr. Speaker, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Speaker, I would like to caution the gentleman, before he takes such a tough stand in defense of the CIA, that there has been testimony under oath in Federal court in California, by Mr. Blandon that he indeed under oath said he worked for the CIA, and it is also recorded and documented that he was a known drug dealer.

So I want to caution the gentleman that there is testimony under oath in Federal court by one of the CIA operatives, and the gentleman from Florida needs to know that.

Mr. McCOLLUM. Mr. Speaker, I want to reclaim my time and say, so one person has said this under oath; I do not doubt he has. I am suggesting his credibility is severely in question, and I have been in this business all along. We know about Blandon at the time that we did our investigation in the Subcommittee on Crime several years ago, and that was one of the primary reasons why we did the investigation, was because of this whole trail.

I am not saying it is not possible, and I am not saying that we should not have the CIA look into it. I am happy they are doing it. All I am suggesting is that this morning there has been nobody questioning these articles. In this discussion we have been sounding like we are taking it as probably true. I think it is probably not true, but we will wait and find out. But my judgment from what I know of it is it is probably not going to be corroborated.

Mr. WATT of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Speaker, I just want to caution the gentleman not to do exactly what he is cautioning everybody else not to do. Everybody else has talked about allegations. It is the gentleman who has come to the floor and sprung intricately to the defense of somebody that we have not even charged with doing anything other than "let's investigate," and for the gentleman to come to the floor and say I have concluded that I do not think these allegations have any basis is the gentleman doing exactly what he is cautioning us not to do.

Mr. McCOLLUM. Reclaiming my time, I have not concluded anything. I am telling my colleagues that at the time we spent 2 years investigating this very subject matter in the Subcommittee on Crime there was no credible evidence to corroborate the allegations that were made. If there had been, we would have been putting it forward several years ago, and what is now being put on the table in public knowledge in court is very comparable to what we had 2 years ago; and I just doubt, and I am not saying I am concluding it, but I doubt seriously further investigation is going to turn up more, but I am happy to have further investigation. I just do not want it to go past today with all these comments being spread on the record, with innuendoes out there, with the impression being left everybody who knows anything about this in Congress thinks it might be true. I think it in all probability is not, but I do not know that for a fact, just like I was not sure a 100 percent back when we did the investigation. But we sure did not turn up anything, and we spent a lot of time looking for it.

Mr. COMBEST. Mr. Speaker, how much time is remaining on both sides?

The SPEAKER pro tempore (Mr. McCOLLUM). Mr. Speaker, I have 23 minutes remaining, and the gentleman from Washington [Mr. DICKS] has 2 minutes remaining.

Mr. COMBEST. Mr. Speaker, I yield 5 minutes to the gentleman from Washington [Mr. DICKS]. Mr. Speaker, I ask unanimous consent that the gentleman from Washington be permitted to control that time.

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

There was no objection.

Mr. DICKS. Mr. Speaker, I appreciate that courtesy and I yield 2 minutes to the gentleman from New York [Mr. HINCHEY].

Mr. HINCHEY. Mr. Speaker, I want to express my appreciation to the chairman and the ranking minority member of the committee for their expressed interest in the issues that have been raised this morning by the gentlewoman from California and Oregon.

We are aware of a recent series of articles that appeared in the San Jose Mercury News which once again draws very disturbing attention to allegations that the Central Intelligence Agency during the Iran-contra period of the 1980s conspired with former members of the Samoan government in Nicaragua to bring into this country large quantities of cocaine, and that cocaine traffic was used to finance the early years of the war that was lost by the contras against the Nicaraguan Government; and furthermore, that those large quantities of cocaine were distilled into crack cocaine, and that crack cocaine epidemic then swept from California and the West Coast all across this country and constituted the worst epidemic of drug abuse that we have seen in the history of our Nation.
This is an issue that needs detailed, thorough examination.

The reason these stories persist is because prior investigations by this body and other bodies have failed to reach into the very depths of the problem and uncover what went on.

I am not suggesting that there was a coverup, but what I am suggesting however is this: that there was an inadequate investigation by the Iran-Contra Committee and by other investigative bodies that looked into this issue in the past.

This issue will not die, it will not go away until it is resolved once and for all, until we get to the very bottom of it, until we know precisely and exactly what occurred, and it is critical that we do so because the veracity and authenticity of very important agencies within this Government are at stake, and until we know exactly what happened and who was involved in it and what went on, this issue will not rest.

I think the best way of trying to get us to look at this matter and to look at it with the utmost care, concern and in the greater depth and detail, and I am very grateful that we have had these expressions of support from both the chairman and the ranking member this morning. This is something that we have to get to the bottom of.

Mr. DICKS. Mr. Speaker, I yield 4 minutes to the gentleman from California [Ms. Pelosi] who is a valued member of our Permanent Select Committee on Intelligence.

Ms. PELOSI. Mr. Speaker, I thank our ranking member for giving me this time today and for his leadership, as well as that of the gentleman from Texas [Mr. Combest], of the Permanent Select Committee on Intelligence.

While we do not always agree on many of the issues before the committee, I do want to associate myself with the congratulations that went before regarding the investigation of the potential drug crack cocaine into the United States and especially into the African-American community.

Before I go into that, though, I want to associate myself with the remarks of my distinguished colleague, the gentleman from Colorado [Mr. Skaggs], that he made on the declassification issue and on the environmental issues related to the resources of the intelligence community and to thank him for his leadership on those two scores, as well as others, that come before our committee. They are both very important, and in the interest of time I will just associate myself with his remarks and spend my time on the issue of the crack cocaine.

I think it is perfectly appropriate that we have the exchange that we have had. Certainly we do not want to just make accusations, we want to see what is the evidence in order for us to keep faith with the American people, with the intelligence community, and as my colleagues know, that is a big order.

I would just like to say that when I first came to Congress, which was 9 years ago, shortly thereafter we had a conference in our community, headed up by Dr. Cecil Williams of the Glide memorial to see why we had this epidemic of crack cocaine among African-American youth. There were those in the African-American community who thought, and others of us who shared their view, that there was an attempt to target these women as well as targeting the African-American families in a disease that I believe of the devil, and I had hoped that it was not true, and I still do hope that it is not true.

So that is why when the articles came out in the newspaper and we heard other rumors of this, it rang true, it related to something, and hopefully again it is not true, but it does beg the question. If the Central Intelligence Agency was not involved, and let us hope they were not, did they know that the Contras were involved in the sale of crack cocaine? And if they did not know, why were they involved in drug trafficking at all when the United States was funding the Contras? If they did not know, if the Central Intelligence Agency did not know that the Contras were engaged in drug trafficking to get money, why did they not know? Is it the business of the Central Intelligence Agency?

So while I respect the first response that we have received from Director Deutch, whom I hold in high regard, I do think that we have to look into this, and this is why I was pleased to hear our chairman, the gentleman from Texas [Mr. Combest], respond to the gentlewoman from California [Ms. Waters] that the subpoena power would be available; that is my understanding, and that I thank the gentlewoman from California [Ms. Waters] for her leadership and the gentleman from New York [Mr. Hinchey] for speaking out on this issue.

But we are at a crossroads. Much has been written about the cold war and the rest. We are at a crossroads now where we look at the intelligence community and say why are we committing x number of billions of dollars in resources to this? Why is it justified? And there has to be a justification in this stiff competition for the dollar.

At the same time, we have to have confidence. We want our President, whoever that President is, to have the best possible intelligence to help make this decision. Is this just another day and another safer place? We do want to see us going into a place where intelligence funding is justified by economic espionage or other things that are not appropriate to it; those that are appropriate in the realm of the economy, sure, but not just across the board.

And at this very time we have this very serious question about the integrity of the intelligence community in the past decade, of the CIA in the past decade, at a time where this Congress was divided in a way that new Members have not even seen the likes of.

So I want to associate myself with those, especially the gentlewoman from California [Ms. Waters], who have expressed grave concern about this issue and again leave on the table the question if this did occur, let us find out, and if it was occurring, this transfer, the sale of crack cocaine for the Contras was taking place, and the CIA did not know about it, why did they not know about it?

Mr. COMBEST. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. Lewis], a valued member of the committee.

Mr. Speaker, I thank very much my chairman for yielding this time, and I must say that I would like to associate myself with many of the remarks of my colleague from California [Ms. Pelosi] who serves with me on the Permanent Select Committee on Intelligence. She could say, as I would, that very much of our work is done behind closed doors.

During the short time that I have been on the committee, I am amazed at the number of hours that we spend looking at these agencies that are so important to our country. And I marvel at the intelligence work are critical to the interests of our country here at home as well as in the world.

In this time of very significant change in the world, the President needs now more than at any other time excellent sources of information available to him as he represents our interests here at home but especially abroad. I must say that because we meet behind closed doors, oftentimes the stories of the successes of these agencies are not heard about, let alone told or believed.

On the other hand, I can certainly understand the concern of many of my colleagues, like the gentlewoman from Los Angeles, CA [Ms. Waters], about the potential impact of any government activity that might affect a community that we would hope to serve here in this Congress, especially as it relates to drugs. Stories in a newspaper are one thing. Believing those stories automatically is another. For goodness sakes, in my own campaigns I have seen stories developed by so-called reputable people that I wish somebody would question before they conclude.

Having said that, it is very, very important that we recognize the impact of drugs upon our society, and not allow a story like this to take our eye off the ball. The ball involves those people who make a living importing drugs and then delivering them to our communities. We should take our gangs and the repeated sellers and throw the key away when they are killing our young people because of their addiction.

It is very important that we recognize that the President knows well the successes of these agencies and knows...
of their importance to his work. At the same time, we in the committee are committed to doing everything we can to make sure if there is any agency involved in this sort of linkage, that they be taken to the wall.

That must be done here. Most of it must be done in our intelligence room. I would urge my colleagues not to deal with the extreme sensationalism that is here, that sometimes gets headlines that we all kind of love. In the meantime, it is very important for America that we deal with this responsibly.

Mr. DICKS. Mr. Speaker, I yield 30 seconds to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding time to me. Mr. Speaker, I just want to respond to the gentleman from California [Mr. LEWIS], and say that I completely agree with him that we should not be taking at face value anything we read in the newspaper, especially something of this gravity. However, we do need to look beyond the headlines. I do not take him to say anything other than that.

I wanted to make one more point. In our Committee on Appropriations last week we had a big item for interdiction, hundreds of millions of dollars we spent for interdiction. We are spending that on the intelligence community to keep drugs out of the United States, and at the same time, we do not know, we might not know about one very, very egregious example of drugs coming in which we should have been aware of, that may have been party to. I think it is a very serious issue.

Mr. COMBEST. Mr. Speaker, I yield 2 minutes to the gentleman from Washington [Mr. DICKS], and I ask unanimous consent that he may yield that time.

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

There was no objection.

Mr. DICKS. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. MILLENDER-MCDONALD], a new Member who is very concerned about this subject and has talked to me about it on several occasions.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I have come down because I was just getting back to my office when my colleague, the gentlewoman from California [Ms. WATERS], speaking to this whole issue that we have been plagued with in south central Los Angeles. I, too, represent the heart of Watts, Willowbrook, and Compton, those areas that were ravished by this insidious act.

While I was sitting here watching the gentleman who spoke about his inability to think that the CIA was involved in this, I was coming down to say that we cannot conclude whether they were involved or not involved, but it is a serious issue that we must call up for a thorough investigation.

I join the ranks of all of the Members who have spoken this morning, because when we find crack babies lying in hospitals, when we find children who are trying to go to school and who are unable to be educated because of the mental incapacity that they have, when we have a community that has been totally destroyed, we cannot help but to come to this body to ask for a thorough investigation.

I join the ranks of all of the Members who have spoken this morning, because we must understand the human tragedy that is in this. When we come to this body to ask for a thorough investigation.

This has now become not just a south central Los Angeles problem or a California problem. Members heard the points that I was making are all members of the Congress, of the northern States. I think Oregon, who spoke on this issue. This is a national problem. I think it is incumbent upon this body to ask for and demand a thorough investigation of this drug trafficking into our intelligence community and into other urban areas of this country.

We can ill afford to have a community think that we will not pay close attention nor will we take this very seriously and look into the allegations of this very startling in the San Jose Mercury News.

I join with all of the Members who have spoken this morning. I join with my colleague, the gentlewoman from California, Ms. MAXINE WATERS, in asking that this be brought to the forefront and that we get down to the bottom of this very insidious act that has plagued our communities and that has absolutely destroyed a whole community. I urge Members to pay close attention, and I call on my colleagues for a thorough investigation of this insidious act.

Mr. DICKS. Mr. Speaker, I yield 30 seconds to the gentlewoman from Texas, Ms. SHELIA JACKSON-LEE. Mr. Speaker, I thank the ranking member of the committee very much for yielding time to me.

Mr. Speaker, in responding to the gentleman from California, let me acknowledge that we do not have to make a broad-based attack on the intelligence community. All of us acknowledge the importance of national security.

However, we must stand aside from the intelligence community and demand an investigation of the bad actors that have been alleged to have conspired and communicated dangerous and devastating drugs throughout the entire Nation, that have resulted in the loss of children and community and the loss of children and babies and families and destruction. We must demand an investigation and have one.

I ask my colleagues to join us in agreeing with those who have spoken that we have a full investigation of these devastating charges of crack cocaine being brought in by CIA agents and others.

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

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

Mr. Speaker, I only want to point out to the House that part of our responsibility in this committee is to see to it that, indeed, we understand and recognize our role in dealing with the issues of the hiring, the retention, the promotion of minorities and women and
the handicapped in the agencies that we oversee.

There have been allegations made public in the past that indeed the NSA, the CIA, the Department of Defense, and others may not have been doing the kind of training the kind of training that will show that this Congress does take very seriously its charge from this House that we intend to do what the President of the United States, Bill Clinton, said when he took office. That was that we wanted our Government to reflect the diversity that is America. I want to thank publicly Chairman COMBEST for permitting those hearings.

Mrs. MINK of Hawaii. Mr. Speaker, I rise today to express my strong opposition to the conference agreement on the Immigration and Nationality Act. This conference report goes far beyond efforts to curb illegal immigration in this country by unfairly targeting legal immigrants and promoting discrimination among U.S. citizens as well.

Once again the proponents of the anti-immigration sentiment in this country are using the banner of illegal immigration to impose injustice on those immigrants legally in this country—immigrants who pay taxes, contribute millions of dollars into our economy, abide by the same laws we do, and are even eligible to be drafted into the military. Yet this conference report, like the welfare bill before it, singles out legal immigrants by effectively denying them access to Federal programs.

Specifically the conference report subjects legal immigrants to deportation if they use any Federal aid, federally funded English classes, job training, health and assistance under Medicaid, or other Federal programs.

It just escapes me why we would want to punish a legal immigrant for pursuing education or job training and making an effort to become an even more productive participant in our economy and society.

The proponents of today’s measure are the same people screaming for English only legislation. They state that people in this country should learn English, people can’t succeed in this country if they don’t know English. On the other hand they support this conference report which could cause the deportation of legal immigrants because they utilize a year of federally funded English classes. One can only surmise that the intention here is not to help legal immigrants assimilate into American society but to keep them out of our country altogether.

The conference report limits legal immigration by putting a new arbitrary income barrier to family immigration into this country. It establishes a new income requirement of 200 percent of the poverty level for anyone who seeks to sponsor a parent, sibling, or adult child, and 140 percent for those sponsoring a spouse or minor child.

This provision goes against the very principle of family reunification and would deny low-income families from reuniting with their own minor children and other family members. This is an egregious example of discrimination against the poor. It says that we only care about the legal immigrants, not the illegal ones who earn a certain income level, and that because you are poor you do not deserve to be reunited with your family. I can think of nothing that is more anti-American and antifamily.

It is not only legal immigrants who are hurt under this conference report, but also U.S. citizens who will be subject to more discrimination with limited remedies for violations of their rights.

This conference report makes it more difficult for prospective employees to bring discrimination cases against an employer. A job applicant must now prove that the refusal of a job is a result of intentional discrimination, a higher legal standard than is currently required. This provision will affect U.S. citizens who look Asian or Hispanic, who will no doubt be singled out for greater scrutiny and discrimination, with very limited remedies available to them.

It gets even worse, because the conference report does not include language in the House-passed bill which would have allowed American workers who lose their jobs because of government computer errors concerning their immigration status to seek compensation. This means if someone is mistakenly discriminated against, loses their job because of a computer error, they have no way to seek just compensation.

This is not a theoretical argument, because it is already happening in our education system. Even before the passage of this bill students of Asian and Hispanic ethnic heritage are experiencing higher scrutiny and delays because of extra measures to verify their citizenship status. Student loan checks for student loans are being revoked because of mistakes in the Social Security system, even though these students are U.S. citizens and their only crime is being born of Asian/Pacific or Hispanic ethnic origin.

It pains me to think that we have come to a place in our society that we must single out anyone who looks different, speaks differently and make them second-class citizens in this country. This is where this immigration bill takes us.

Mr. Speaker, many of us want to tackle the problem of illegal immigration in this country, but not at the expense of those legal immigrants and citizens. I urge my colleagues to vote against this mean-spirited bill.

Mr. DINGELL. Mr. Speaker, we should be meeting here today to discuss a bipartisan bill to better protect American jobs, public services, and our borders. We have missed that opportunity. We are now faced with a bill, H.R. 2202, introduced after closed-door Republican sessions, that could damage our borders, hurt American workers and their families, and increase the burden on our taxpayers.

Jobs are the magnet attracting illegal immigrants, and it is a criminal network of employers who hire these workers at the expense of unemployed Americans. We must make it clear that those employers are willing to cheat hard-working Americans out of employment opportunities, that their behavior will not be tolerated.

Instead, this bill lessens the penalties against those who skip over American workers to hire foreign workers. It also reduces the number of inspectors we wanted to put in the field to combat this illegal behavior. If you are a U.S. citizen, willing to work hard and make an honest living, you may still lose out due to the growing number of employers allowed to flaunt the law and hire cheaper illegal immigrants without the real risk of punishment under the law.

Mr. Speaker, existing laws limit the ability of legal immigrants to become public charges. However, the harsh deeming requirements in H.R. 2202 will deny many legal immigrants access to many of the Social Security programs which show that immigrant families contribute approximately $2,500 more in taxes than they obtain in public services.

In addition, it appears that the anti-environment 104th Congress had to attack our environmental laws one more time in their mad rush to adjourn. The provision, deemed even by my pro-environment Republican colleagues to be outrageous, would inflict a loss of power for States and local governments anywhere along thousands of miles of our Canadian and Mexican borders to build fences, roads, or other infrastructure.

As a representative of a Canadian border district, I cannot support legislation which casts aside opportunities for public participation under the National Environmental Policy Act (NEPA) so that local communities and citizens in Michigan could have a say before the INS decides we need a giant fence to separate ourselves from our Canadian neighbors. Indeed, Speaker GINGRICH has received word from the attorney general, the Secretary of the Interior, and the chair of the President’s Council on Environmental Quality that the administration objects to this weakening of environmental standards.

Mr. Speaker, previous experience teaches us that: limiting services to legal immigrants can risk public health and safety, as well as raise costs; limiting employment enforcement puts American’s jobs; and limiting environmental protections under Federal statute can place our communities’ health and well-being at needless risk as a result of incompetent legislation.

I urge support for Democratic efforts to fix some of the more obvious errors in the bill through the motion to recommit, and barring its acceptance, I urge rejection of the conference report.

H11064 CONGRESSIONAL RECORD — HOUSE September 25, 1996
Mr. SERRANO. Mr. Speaker. I rise in strong opposition to the conference agreement on H.R. 2202, the immigration reform bill.

Mr. Speaker, this bill is often described as an effort to improve border enforcement and employment eligibility verification, but, in fact, it goes far beyond that by proposing measures to attack legal immigrants in the United States, as well as the rights and health of all Americans, citizens and noncitizens alike, and our commitment to international human rights.

Of course, the most unfortunate conference agreement is the result of the Republicans’ negotiating and writing a new bill behind closed doors, with no input from Democrats—even those who were initially supporters of immigration reform—during either the negotiations or the public meeting of the conference committee.

The employment provisions in this bill are simply wrongheaded. First, the bill defies logic by failing to improve enforcement of our Nation’s wage and hour laws despite the fact that unlawful immigrants are significantly more likely than their legal counterparts to be underpaid and suffer hours and working conditions that are illegal.

Second, the bill strips from our immigration law existing protections to attack legal immigrants in the United States, without offering safeguards against improper use or disclosure of information or any recourse if the information provided to a potential employer is simply wrong. Moreover, the bill strips from our immigration law existing antidiscrimination provisions, which were originally enacted three decades ago because it was a fact that minority citizens and residents were discriminated against in the employment process.

As illogical as it may sound to my colleagues, while legal immigrants would remain eligible for public assistance if they receive public assistance, illegal aliens would be barred from accessing almost every form of social safety net. And any immigrants who, despite sponsor income and the threat of deportation, actually receive services—even emergency services or services to children—must pay the government back before they will be allowed to become naturalized citizens. I guess in the Republican view of American citizenship, only the rich need apply.

The conference agreement includes provisions that neither House nor Senate adopted and that conferrees were not permitted to strike. It is designed to drive wedges into the population and to exploit some people’s fears of people who look or sound different.

This bill would raise the income levels required to sponsor a child or spouse, sibling or parent, to levels that would disqualify 40 percent of all American families, both citizen and noncitizen, from bringing their families together in America. I guess Republican family values are not for hardworking families of modest means, but for the wealthy.

This conference agreement would also undermine our commitment to protect people fleeing from real persecution by restricting their ability to make their case for admission and denying them a hearing and judicial review. Hundreds of bona fide refugees could be returned to their persecutors under this bill.

Mr. Speaker, this bill, like so many others presented by the Republican majority over the last 2 years, goes far beyond what Republicans claim to be its purposes and into the area of public assistance. If it is adopted, I implore the President to stand up to the Republican majority and veto it. That is the right thing to do.

Mr. DURBIN. Mr. Speaker, I rise in opposition to the conference agreement on the Immigration and Nationality Act. I support genuine immigration reform, to end illegal immigration and protect American workers from employers who knowingly hire illegal immigrants and put Americans out of work. I regret that the conference report which is now before the House does not meet the standard of genuine immigration reform.

The United States cannot afford to absorb all those who want to settle in our country. I support continued funding of our existing efforts to deter illegal immigration. I have voted for provisions in the law including doubling the number of border patrol agents and increasing the number of work site inspectors to enforce laws against the hiring of illegal aliens. And I support efforts to prevent abuses in enforcement and ensure that enforcement efforts conform to our civil rights and our laws of justice.

Most Americans are immigrants or the descendants of immigrants. Legal immigrants have made and continue to make significant contributions to America’s scientific, literary, cultural and economic life. As the son of an immigrant, I believe America’s strength is in its diversity. It is in our national interest to build upon that strength through a system which maximizes the positive opportunities legal immigration affords by allowing qualified immigrants to participate in our economy and share their talents and strengths with our communities.

Family unification should be one of the key guideposts for evaluating immigration reform proposals. I voted for the immigration reform bill which was passed by the House in March. It was not perfect, but it would have made needed changes in the law to stop illegal immigration.

It would have doubled the number of border patrol agents; permanently barred those who previously entered the country illegally from ever being legally admitted; increased the number of work-site inspectors to enforce laws against the hiring of illegal aliens; and streamlined the deportation process.

The conference report which is now before the House is worse than the bill passed by the House in March in several ways. For example, the bill that was passed by the House retained civil penalties for employers who knowingly hire illegal immigrants. But the conference report—which is now before the House removes the civil penalties against employers who knowingly hire illegal immigrants which will make it easier for unscrupulous employers to hire illegal immigrants and put Americans out of work.

I support effective and reasonable income-deeming requirements on the sponsors of legal immigrants who apply for public benefits. At the same time, I believe that immigrants and refugees who live legally in the United States, and contribute to our country’s progress just as all of our ancestors have done, should not be discriminated against in the area of public assistance.

The conference report is worse than the bill passed by the House in its treatment of legal immigrants. For example, the conference report would allow the deportation of battered women and children, who are legal immigrants, simply because they receive public shelter and counseling for more than 1 year. The House-passed bill exempted shelter and counseling for battered women and children.

I voted for the immigration reform bill that passed the House because I believe that illegal immigration is an urgent problem that must be addressed by this Congress, and I had hoped that the bill would be improved as it moved through the legislative process. Instead, we find that the Republican leadership has decided to turn the effort to reform our Nation’s immigration laws into a cynical political game.

I urge my colleagues to vote to recommit this bill to the conference committee. Reject this conference report, and instead bring genuine immigration reform legislation to the House before Congress adjourns.

Mr. DUNCAN. Mr. Speaker, just yesterday, the Knoxville News-Sentinel reported that a Tennessee Highway Patrolman stopped a van on I–75 which contained 25 illegal immigrants. The arresting officer attempted to contact the INS but could not even get a person to answer the phone at the Mesquite, Texas, INS office. He was quoted in the paper as saying: “Immigration just took the phone off the hook.”

He repeatedly attempted to contact INS officials but all he got was: “360 degrees of automated machines.”

So what did the trooper do? All he could do, he let illegal aliens go. Simply, he had no legal authority to detain them.

This is the sixth time this year that illegal aliens have been stopped by local authorities in my district and had to be released. Six different vans containing at least 130 illegal immigrants have been let go because of the INS’ refusal to act. When local officials have talked to INS, they were told that there were no funds available to send INS officers to arrest, detain, and deport these illegal aliens.

The INS has received a 72-percent increase in funding in the last 3 years, which is approximately eight times the rate of inflation over
that period. Almost no other Federal agency has received that type of increase in recent years.

With this increase in funding, local officials have a right to be outraged by INS inaction. I agree with them completely. One sheriff in my district has told me that he cannot afford to staff even his office by purchasing new equipment and, more importantly, by training his officers to enforce the law. The INS has failed to provide a more central location for immigration officials who will enforce the law. Middle and east Tennessee desperately need an improvement, but this is not enough. Middle Tennessee counties are largely rural and have very small populations. There are not enough INS officials in the region to provide adequate enforcement of immigration law.

The Clinton administration bureaus seem unwilling to correct this situation. I have been trying to get the INS to open a branch office in east Tennessee for several years. Despite my repeated requests, they have been very unresponsive and unwilling to provide service to east Tennessee.

I have met face to face with INS officials in Washington to inform them of what is going on in east Tennessee, and I have made dozens of phone calls to the INS. I have written the INS numerous times about this issue. In fact, this is not the first time I have had to contact the INS. Several years ago, the Sheriff's Department in Loudon County contacted me about a problem they were having with the INS and illegal aliens.

After months of work and literally dozens of phone calls from my office, the INS finally responded to our concerns. In Operation South Paw, the INS conducted a series of raids that resulted in the apprehension of many illegal aliens working in my district. I am glad that the INS finally took action, but the reluctance on their part to fulfill their mission of deporting illegal aliens is inexcusable.

After my most recent meeting with the INS, I was informed that the INS would add two trainees to the Memphis office. This would be an improvement, but this is not enough. Middle and east Tennessee desperately need more INS officials who will enforce the law.

However, I am glad that H.R. 2202, the Illegal Immigration Reform and Immigration Responsibility Act, includes language Congressmen Chris Cox and Lamar Smith and I incorporated into the House version of this legislation.

Our language, insofar as arrest and detention are concerned, will allow local law enforcement officers to act as INS officials since it is obvious that INS officials won't take action.

Specifically, it will allow law enforcement agencies to enter into agreements with the Justice Department so that local officers will be able to function as an immigration officer in relation to investigation, apprehension, or detention of illegal aliens.

I worked with the Congressmen Chris Cox and Lamar Smith who worked with me in formulating this language and for the House and Senate conferees for including this language in the final version of this bill.

Mr. Speaker, I believe this legislation will help to solve the problem of illegal immigration and I urge its passage.

Mr. BUNNING of Kentucky. Mr. Speaker, it is time to take back our borders and cut off the stream of illegal aliens currently flooding across them. We do so by increasing the number of border patrol guards and Immigration and Naturalization Service (INS) agents. The Illegal Immigration Reform and Immigration Responsibility Act provides over 5,000 border guards and increases the number of INS agents by 300. This additional manpower is necessary to counter the aggressive efforts of local and federal law enforcement agencies. In addition to the increase in manpower that this bill provides, H.R. 2202, gives law enforcement agencies the technological resources and jurisdiction powers to locate illegal immigrants and deport them expediously.

Lastly, this bill makes a conscious effort to reform our immigration system. Most importantly, it will hold sponsors of illegal immigrants financially responsible for their guests in our country. As Congress has taken efforts to crack down on "deadbeat dads," H.R. 2202, will crack down on "deadbeat sponsors." In doing so, we will save millions of welfare dollars, which are now being collected by illegal aliens.

This bill is not the end-all of immigration reform, but this bill, coupled with the Republican welfare bill which was recently signed into law will go a long way in slowing the tide. Iurge my colleagues to support it.

Mr. SMITH of New Jersey. Mr. Speaker, I intend to vote in favor of the conference report on H.R. 2202, the Illegal Immigration Reform bill, because it includes many important provisions to help the United States get control of its borders: 5,000 new Border Patrol agents, stricter penalties for alien smuggling and document fraud, and procedural reforms that would make it easier to deport people who have abused our hospitality. I strongly support these provisions.

Mr. Speaker, we no longer live in an age when everyone from anywhere in the world who would like to live in the United States can cross our borders. Instant communication and easy transportation, border control has become not just a national prerogative but a practical necessity. Particularly when it comes to illegal immigrants, the American tradition of generosity is tempered by commitment to fairness and order.

I am pleased that the House deleted provisions in the bill that would have imposed drastic cuts in the numbers of legal immigrants and refugees. The House adopted my amendment to delete a provision that would have imposed a statutory cap on the number of refugees who can be admitted into the United States. The cap would have been 75,000 in fiscal year 1997 and 50,000 in each year thereafter—less than half the number we admitted in fiscal year 1995. This may sound like a fairly high number, but even at their current levels, refugees are only about 8 percent of those who immigrate to the United States each year. Proportionally, refugees would have taken an even bigger hit than family members among legal immigrants. Those who would have been hurt most are the people who are in trouble because they share our values: "old soldiers" and religious refugees from Vietnam, Christians and Jews from extremist regimes in the Middle East, Chinese women who have fled forced abortion, and women who have escaped the tyranny of Fidel Castro. So I am pleased that the House adopted the Smith-Schiff-Gilman-Schumer-Boucher-Fox-Souder amendment to preserve the American tradition of providing safe haven for genuine refugees.

Mr. Speaker, the bill still contains provisions that subject legal immigrants, refugees, and U.S. citizens to unnecessarily harsh treatment. I think in particular of the requirement that a U.S. citizen must earn 140 percent of the official national poverty level in order to sponsor a family member. This provision leaves the unfortunate impression that family reunification is a luxury for the well-to-do, rather than a fundamental and laudable goal of millions of American families.

Even more unfortunate provision, section 633, would explicitly authorize the State Department to discriminate, by race, gender, and nationality in the processing of visas for legal immigrants.

The case of LAVAS versus Department of State, which this provision would attempt to overrule, is a carefully reasoned opinion by Judge David Sentelle, a highly respected Reagan appointee to the U.S. Court of Appeals for the D.C. Circuit. It reflects the court's shock and dismay that the State Department was violating Federal statutes as well as its own regulations by practicing nationality-based discrimination in order to force legal immigrants from Vietnam—typically the immediate relatives of United States citizens—back to the country they had fled.

The tragic consequence of the State Department's position is that many of those who have returned to Vietnam, on the assurance that their immigrant visas will be expediently processed by the United States, have languished for months or years in unstable and corrupt Vietnamese government officials have refused to give them exit permits.

Fortunately, the harsh effects of section 633 can be cured by regulation, or even by sound administration. The President should direct the State Department to change its policy and to process these legal immigrants—and never, never again to discriminate invidiously by race, by gender, or by national origin.

Despite these and other deficiencies in the bill, I am voting in favor of the conference report because I support the provisions that are directed against illegal immigrants, but also because of two provisions that cure important deficiencies in current law.

Mr. Speaker, the anti-terrorism bill passed by Congress in April of 1996 contained several provisions that had nothing whatever to do with terrorism. One of these sections provided for the summary exclusion of persons attempting to enter the United States without proper documentation.

It is important that we exclude persons who would abuse our generous immigration laws, and it is important that the process of exclusion be a speedy one. It is also important,
however, that the process be fair—and particularly that it not result in sending genuine refugees back to persecution.

The counterterrorism legislation provided that no person shall be summarily excluded if, in the opinion of an asylum officer at the port of entry, he has a credible fear of persecution. Unfortunately, the definitions of "asylum officer" and "credible fear of persecution" were not as clear as they might be. H.R. 2202 goes at least part of the way toward the necessary clarity.

In particular, the antiterrorism legislation defined an asylum officer as someone who has "professional training" in asylum law, country conditions, and interviewing techniques—but did not state how much training or what kind. The immigration bill makes it clear that this training is to be equivalent to that of members of the highly respected Asylum Corps. The best way to ensure that this standard is met is to provide by regulation that only experienced members of the Asylum Corps—people who by training and experience think of themselves as adjudicators rather than as enforcement agents—exercize the extraordinary power to send people summarly back to dangerous places.

I think it should also be clear that our asylum officers will need to be very careful in applying the "credible fear" standard. In a close case, I hope that the benefit of the doubt is given to the applicant. There are also some countries—such as Cuba, China, Korea, Iran, and Iraq—in which persecution is so pervasive that almost any credible applicant would have a significant chance of success in the asylum process.

I hope that regulations will be promptly adopted that explicitly provide for these and other safeguards in the expedited exclusion process. In any event, however, the current legislation is a substantial improvement over the regime that would go into force on November 1 if this legislation were not adopted.

Finally, Mr. Speaker, section 601(a)(1) of the conference report will restore an important human rights policy that was in force from 1986 until 1994. It would simply provide that forced abortions or forced sterilization will be of any use in preventing false claims. People who are not telling the truth will simply switch to some other story. The only people who will be forced to return to China will be those who are telling the truth—who really do have a reasonable fear of being subjected to forced abortion or forced sterilization. The solution to credibility problems is careful case-by-case adjudication, not wholesale denial.

Opponents add rhetorical punch to the asylum-as-magnet argument by asserting that treating forced abortion victims decently will be a unique incentive to smuggling and criminal gangs. Everyone is against smuggling. But if the Prosecution System in China can’t deal with the problem, let’s not take it out on the victims. The passengers on the St. Louis who were forced back to occupied Europe in 1939 were smuggled aliens too.

Finally, we should be extremely careful about forcibly repatriating asylum seekers to China in light of evidence that a number of those sent back by the United States since 1993 have been subjected to "re-education camps," forced labor, beatings, and other severe punishments inflicted on persons whose resistance is motivated by religion. According to a recent Amnesty International report, enforcement measures in two overwhelmingly Catholic villages in northern China have included torture, sexual abuse, and the detention of resettlers' relatives as hostages to compel compliance. The campaign is reported to have been conducted under the beneficial influence of more than one child.

The dramatic and well-publicized arrival in 1993-94 of a few vessels containing Chinese boat people has tended to obscure the fact that these people have never amounted to more than a tiny fraction of the undocumented immigrants to the United States. The total number of Chinese boat people who arrived during the years our more generous asylum policy was in force, or who were apprehended while attempting to do so, was fewer than 2,000. This is the equivalent of a quiet evening on the border in San Diego.

Nor is there evidence that denying asylum to people whose claims are based on forced abortion or forced sterilization will be of any use in preventing false claims. People who are not telling the truth will simply switch to some other story. The only people who will be forced to return to China will be those who are telling the truth—who really do have a reasonable fear of being subjected to forced abortion or forced sterilization. The solution to credibility problems is careful case-by-case adjudication, not wholesale denial.

As in every other asylum case, an applicant under this provision must prove his claim. Contrary to the common being promulgated by opponents of this provision, we would not have to let in 1.2 billion people. In fact, during the Reagan and Bush administration the number of people granted asylum on this ground was usually less than 100 per year, and never more than 200 per year.

Mr. Speaker, this provision merely states the truth. Forced abortion, forced sterilization, and other severe punishments inflicted on refugees fleeing persecution are crimes against human beings, not against the political system of the country. As President Reagan said in his farewell address: "The shining city upon a hill is still a beacon for all who must have freedom, for all the pilgrims from all the lost places who are hurting through the darkness, toward home."

We are still a land of the free, still the most generous nation on Earth, but we must also insist on fairness and on respect for law. We must continue to work for the swift and sure enforcement of our immigration laws, without sacrificing American values.

Mr. STUDDS. Mr. Speaker, I rise to express my opposition to the bill.

We all appreciate the need for the immigration laws to be effectively enforced. But the current legislation goes far beyond such legitimate concerns. It is an arbitrary and punitive measure which abandons our Nation's historic pledge to those seeking refuge from deprivation and persecution. It is a lamentable throwback to the anti-immigrant hysteria of bygone days, and I believe it will be so regarded by the international community and our own posterity.

The bill's numerous defects have been ably set forth by my Democratic colleagues on the committee, and I will not belabor them. I will address only one particular provision, inserted at the 11th hour, whose cruelty and illogic exceed even the extraordinary standards previously set by this Congress.

I refer to those sections of the bill that would eliminate all publicly funded HIV treatment for both legal and undocumented individuals. Let me emphasize that the bill does this not through inadvertence but by design: the conference agreement goes out of its way to ensure access to medical care for all communicable diseases—except HIV/AIDS.

No public health rationale has been offered in defense of this mischievous provision. It has not been offered because it does not exist. Indeed, anyone concerned with public health would want to be sure that we treat every individual human being equally, and it is both callous and shortsighted to do otherwise.

Mr. Speaker, some of my colleagues who will vote for this bill today have on other occasions professed deep concern for the plight of children living with HIV. I do not question their sincerity, but their consistency is open to serious doubt. If this bill is enacted in its present form, there will be children living with HIV in this country to whom we are categorically denying all publicly funded medical care. I do not wish that on my conscience, Mr. Chairman, and I and this and many other reasons I oppose the bill and urge its defeat.

Mr. CONYERS. Mr. Speaker, this is a weak and shameful bill, which does not deserve the Members support in its current form.
The final product produced by the conference report at the very last minute, on a take it or leave it basis. There was no Democratic input whatsoever, and we were completely shut out of the amendment process.

1. FAILING TO PROTECT AMERICAN WORKERS

This bill says that we will make it easier for unscrupulous employers to hire illegal aliens once they are here. It also says that, by weakening antidiscrimination laws, it will make it harder for legal workers to get jobs.

This bill says a resounding no to more Department of Labor inspectors to check illegal sweatshops and havens of illegal undocumented workers. No even though at least 100,000 foreign workers overstay their visas each year.

This bill says a resounding no to Labor Department subpoena authority to review employment records, a critical tool needed to combat illegal immigration.

This bill says no to more civil penalties for abusive employers who hire the illegals. That's the magnet that brings illegal immigrants here. That's what really counts. But the special interests stay with this bill.

The Republicans have refused to include those provisions that can most effectively attack illegal immigration. Therefore this bill is a toothless tiger, an election year special, designed to fool voters in California and elsewhere that we are getting tough. In reality, the Republican leadership is just caving to special interests and bringing us a weak bill.

2. THIS BILL SAYS YES TO DISCRIMINATION

It's not enough to simply be weak on illegal immigration. This bill also says yes to more discrimination.

Even though not in the original bill, this bill now includes new provisions that tell employers that may engage in patterns and practices of discrimination so long as the discrimination is not so egregious as to lead itself to a showing of intent in a court of law.

The conference report also says yes to discrimination by race, gender, and nationality in visa processing. This would allow the Department to select one particular type of nationality and subject them to burdensome and dangerous new visa processing requirements—a practice that has already been found to violate the antidiscrimination laws by the D.C. Circuit. That would have the immediate effect of forcing several dozen Vietnamese nationals who are family members of United States citizens to return to Vietnam to have their visas processed. Because of the hostility and corruption of the Vietnamese Government, those forced back are likely to have their visas languish for many more years.

3. THIS BILL SAYS NO TO THE ENVIRONMENT

The National Environmental Protection Act, known as NEPA, is the Nations founding charter for environmental protection.

But this bill repeals that law, yes repeals that law, when it comes to the broader related construction.

That means that when we are constructing roads, bridges, fences, we can ignore the environment.

That means that broader construction can pollute our public waterways, dirty our air, create hazardous point sources that can create pollution and our public waterways, dirty our air, create hazardous point sources that can create environmental.

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That means that when we are constructing roads, bridges, fences, we can ignore the environment.

That means that broader construction can pollute our public waterways, dirty our air, create hazardous point sources that can create environmental.
Ms. HARMAN. Mr. Speaker, as the daughter of a legal immigrant father who fled Nazi Germany, I understand the strength that legal immigration has brought to America. I regret that provisions unfairly targeting legal immigrants have been added to this bill. But I am committed to act now to stop illegal immigration, and so I rise in support of H. R. 2202, the Immigration in the National Interest Act, which tackles many of the tough issues around illegal immigration, and speaks to one of our fundamental values: that all of us have to live and work by the same set of rules. As a member of the bipartisan task force that contributed many of the best features of this bill, I commend the leadership of our California colleague, ELTON GALLEGTY. This bill doubles the number of Border Patrol agents to 10,000 over the next 5 years. It also authorizes the purchase of much-needed equipment and technology to aid these new agents in the fight against increasingly sophisticated alien smuggling rings. It takes some important first steps toward eliminating the jobs for undocumented workers which are the primary lure for illegal immigration. It authorizes new eligibility-verification programs to keep undocumented workers from obtaining employment, and to protect the majority of American businesses who would never willingly hire an undocumented worker. In addition, it strengthens much-needed anticyberscrutiny laws.

Mr. Speaker, the current Illegal Immigration Reform Act of 1996 has failed. The law was designed to stop illegal immigration and make it less attractive. It has failed to that end. And it has failed to prevent the legal immigration we all wish to see. One million legal immigrants a year. We have clearly lost control.

I urge its passage.

Mr. RIGGS. Mr. Speaker, I rise today in strong support of H. R. 2202, the Illegal Immigration Reform bill. This legislation is the product of countless hours of negotiation between House Republicans and Democrats. While this bill currently does not have the tough provisions targeting legal immigrants, and I am disappointed to see that provisions increasing civil penalties on employers who hire undocumented workers at the expense of American labor have been removed. But the balanced approach to this bill is important and necessary. It represents progress. And as the Torrance Daily Breeze has editorialized, “California needs this [bill].”

I urge its passage.

Mr. VENTO. Mr. Speaker, I rise today to oppose the conference report on the immigration reform bill.

I voted for the immigration bill when it was considered by the House, even though I disagreed with some of its mean-spirited provisions that would kick children out of school and onto the street. I felt that it was a good, tough measure that would lead to a reduction in the level of illegal immigration. However, I rise today to oppose this conference report because special interest groups have managed to kill important provisions.

Everyone knows the real reason that immigrants enter this country illegally: jobs. Common sense tells us that if we clamp down on this demand, we will see a corresponding drop in the supply.

It is a matter of common knowledge that employers in this country are exacerbating this problem by knowingly hiring illegal immigrants. Quite simply, they are acting as a magnet for illegal immigrants. These employers brutalize their workers by forcing them to work in sweatshop conditions at below minimum wage rates. And, significantly, they reduce job opportunities for American citizens.

Sensible immigration reform must entail a crackdown on these unscrupulous employers. Sadly, this bill fails in that respect. The House-passed bill provided for 500 new Immigration and Naturalization Service [INS] officers to investigate employers who hire illegal immigrants.

The Republican leadership, after consulting with their special interest lobbyists, decided to water down the bill. The INS will get 200 fewer agents. And the agents the INS does get will be prohibited from focusing exclusively on employer violations.

This bad conference report, in fact, weakens the only measure that would effectively make illegal immigration unprofitable for most means-tested public assistance. This measure has a provision that states that legal immigrants can be deported for accepting a Federal student aid loan and even for attending federally funded English classes. How can a legal immigrant learn the English language and pass the citizenship test with such a policy in place?

While future legal immigrants will have legally binding affidavits to guarantee their support during difficult financial times, those who are already in the U.S. holding non-binding affidavits, or no such documents at all, will be left out in the cold. These immigrants will have nowhere else to turn for up to 5 years if their sponsor cannot or will not support them.

At the same time, this measure radically attacks our Nation’s antidiscrimination laws, making it harder for American citizens to prove that they have been discriminated against when seeking employment. It would require those claiming discrimination to prove that their employer intended to discriminate against them, which is an almost impossible legal hurdle to clear.

I find it very unfortunate that this bill, originally intended to protect the American worker by stopping illegal immigration, will actually curtail the legal rights of American workers.

Finally, Mr. Speaker, I rise to criticize provisions which will seriously undermine American families. Historically, our Nation’s immigration laws permitted Americans to reunify their families by acting as sponsors for their foreign relatives. The immigration measure on the floor today raises the income level that prospective sponsors must meet to 200 percent of the poverty level. In plain terms, middle-income Americans—the police officer or the schoolteacher—will be denied the ability to bring their parents to this country.

Mr. Speaker, if we are sincere in the tide of illegal immigration, we must undertake tough and effective measures. But we must insist that such measures apply to all the actors in the immigration problem—illegal immigrants as well as the employers who hire them. Unfortunately, this bad bill, by failure to meet the strictures of the Nation’s best interest, as the title erroneously suggests. While I agree that measures must be undertaken to reduce the influx of illegal immigrants crossing our Nation’s borders, this measure goes too far by punishing legal immigrants.

Like the welfare reform measure enacted into law earlier this year, H. R. 2202 would establish a ban on means-tested Federal assistance for legal immigrants. These are not illegal immigrants, but rather those who have followed the procedures and policies of the Federal Government to enter and live lawfully in this country. Even though I supported the overall welfare measure on final passage, I specifically do not agree with the provisions that would deny legal immigrants public benefits. President Clinton has agreed that these provisions are misguided, and he has stated his commitment to see them modified. I support such changes. H. R. 2202, however, includes almost all those same provisions, altering deeming requirements for legal immigrants that would effectively make them ineligible for most means-tested public assistance. This measure has a provision that states that legal immigrants can be deported for accepting a Federal student aid loan and even for attending federally funded English classes. How can a legal immigrant learn the English language and pass the citizenship test with such a policy in place?

While future legal immigrants will have legally binding affidavits to guarantee their support during difficult financial times, those who are already in the U.S. holding non-binding affidavits, or no such documents at all, will be left out in the cold. These immigrants will have nowhere else to turn for up to 5 years if their sponsor cannot or will not support them.
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Cutting off such life-sustaining assistance to those immigrants who, under Federal policies, legally entered this country without a guaranteed source of financial support is unacceptable. Furthermore, enacting such provisions will not reduce the needs of these legal immigrants. It will simply allow the Federal Government to shift the responsibility for these individuals, shifting that responsibility and expense to State and local governments that will be forced to fill that gap.

Ironically, while punitive provisions are put in place for legal immigrants already in the U.S., new categories of refugees and asylees are created by this measure. H.R. 2202 provides that the family planning policies of the individual’s country of origin would become a basis for such status.

Another provision in H.R. 2202 that would harm legal immigrants relates to their ability to reunite with family members they left behind in their homelands. H.R. 2202 increases the income needed to become a sponsor to 200 percent of the poverty level in most cases, which is over $30,000 for a family of four. Only those legal immigrants married to a spouse or a minor child does the bill lower that income level to 140 percent of the poverty level, which is in excess of $20,000 for a family of four. For many immigrants who work at minimum wage jobs, even the lower figure reflects income needed to become a sponsor to 200 percent of the poverty level.

Furthermore, legal immigrants lose protection from discrimination in hiring, and the standards are stacked against them in the legal language of this bill. At the same time, illegal immigrants are hired by employers under the provisions of this measure with relaxed employer sanctions. This is two steps backwards from the policy enacted in 1986.

When this measure was considered by the House, I successfully amended the bill with language that would have corrected a situation that is currently hindering some Hmong residents of my district from naturalizing. Unfortunately, the majority stripped the language from the bill during the conference committee.

The Hmong the would have been affected are those who served alongside U.S. Forces in the Vietnam war, protecting and defending this nation and losing their homeland in the process. Because they served in Special Guerrilla Forces operated by the CIA, and not regular military units, they are eligible for expedited naturalization as other non-national veterans of U.S. Forces are. Additionally, extraordinary language barriers and other hardships have prevented many Hmong from meeting some naturalization requirements. The Vento Amendment would have provided for expedited naturalization for these Hmong veterans who have served the United States honorably during the course of the Vietnam War. I am dismayed that the authors of this bill have chosen to ignore the service of the Hmong in the Vietnam War by choosing to deny them full citizenship in the nation whose freedoms and democracy they fought so hard to protect.

This bill does have some good provisions that are needed in the efforts to deal with the problem of increasing illegal entries into the United States, such as increased penalties for such activity and increasing the number of border control agents and Immigration and Naturalization Service personnel. However, it targets more than simply those immigrants that make the unlawful trek across our borders. Punishing legal immigrants along with those without legal status who have broken the law is the wrong policy path for our nation to travel. Let’s solve the problems that require solutions without creating new ones. I ask my colleagues for this measure.

Mr. RADANOVIĆ. Mr. Speaker, I believe that States should be able to decide whether taxpayer dollars should be spent on public schooling of illegal aliens. That is why I supported the Gallegly amendment when the House passed the immigration reform bill earlier this year.

That amendment was adopted by more than a 60 percent margin in the House. If the same support level existed in the other body, we could send a final immigration reform bill to the White House, with the Gallegly amendment intact.

Regrettably, that seems not to be the case. A filibuster was threatened against any immigration bill including the Gallegly provision, and reportedly there aren’t enough votes to shut it off.

That means that getting immigration reform in this Congress requires us to relinquish the Gallegly restriction in the House-Senate conference report. Thus, I shall vote for the conference report.

However, to keep faith with my belief and the wishes of the good citizens I represent, I also intend to vote, in the succeeding action, for H.R. 4134, a bill that is a stand-alone Gallegly measure.

Finally, Mr. Speaker, I want to urge my colleagues to be mindful of a workable alternative to the problem of illegal aliens who are receiving public benefits. It’s called report and deport.

The immigration reform bill calls for additional INS enforcement personnel and for strengthened deportation. And, the welfare reform law this Congress enacted says that there can be no silencing of those in state and local government who communicate with the INS.

The bottom line is that those who remain in this country illegally should know they are breaking the law and are subject to being reported and deported.

Mr. FOGLIETTA. Mr. Speaker, I rise to speak in opposition to this immigration conference report.

Let’s not be fooled here. We have been focusing on how wrong it is to punish children as we pull the precious words from the Statue of Liberty with this bill. But taking Gallegly out of this bill makes a mean, bad bill, just a little less mean and bad.

This is a bad bill because it creates two classes of people—those who can afford to be reunited with their families and those who can’t.

This is a bad bill because it stresses law enforcement on the border with more INS agents but it killed the proposal to increase Labor Department agents. If we really are concerned about illegal aliens taking the jobs of our constituents, why have we sacrificed workplace enforcement?

This is a bad bill because it persists with the mean spirit of the welfare law—cutting safety net benefits to children.

This is a bad bill because it denies medical care for people with HIV and AIDS.

This is a bad bill because it makes it harder for prospective employees to sue for discrimination.

I could go on and on. Most of us are immigrants or the children of immigrants. Our parents and grandparents who arrived at Ellis Island and other immigration points helped to make this country great.

And here we are tearing apart the texture and fabric of America for another Contract on America’s soul.

My colleagues, vote against this conference report.

Mr. FLANAGAN. Mr. Speaker, I rise in strong support of the motion to recommit and against the conference report to immigration reform as it is currently written. It is with great regret that I do so, but I must in order to prevent a great injustice, a misuse of the House rules, and the enactment of a dangerous policy that threatens the health and safety of all people living in this country, not just immigrants.

Mr. Speaker, I have been a long and strong proponent of illegal immigration reform ever since I have had the privilege to serve in Congress. During the 104th Congress, I have worked tirelessly for this legislation on the Judiciary Committee and on the House floor. I have done so because I believe we must do something to halt the flood of illegals that enter our country, inflate our welfare rolls, depress the wages of working Americans, and cause a great deal of crime and hardship in our Nation.

Mr. Speaker, the conference report to H.R. 2202, the Immigration in the National Interest Act, contains provisions that I find both shortsighted and narrow minded. These provisions would deny basic medical treatment to any illegible and undocumented immigrant who is HIV-positive. This includes a legal immigrant who has had publicly financed medical treatment for more than 12 months. While the bill would allow the Department of Health and Human Services to do whatever is necessary to prevent the spread of all other communicable diseases, it expressly prohibits HHS from providing basic medical care and treatment to HIV-positive immigrants. Those legal immigrants who exceed the 12-month limit will be automatically deported.

These provisions were not included in either the House or the Senate versions of H.R. 2202. In fact, both Houses voted overwhelmingly to separate legal immigration reform from the bill earlier in the Congress and, instead, focus only on controlling illegal immigration.

Mr. Speaker, current law already prohibits individuals who test positive for HIV and AIDS from immigrating to the United States. Therefore, this shortsighted and, I must say, discriminatory provision would only bar treatment for HIV-positive individuals who contracted the virus while in the United States. There is no public policy argument for distinguishing HIV and AIDS from all other communicable diseases. It would make absolutely no sense to allow testing and treatment for tuberculosis, measles, and influenza but refuse it for HIV and AIDS.

Mr. Speaker, these provisions would not only be cruel and inhumane for those who suffer with the AIDS virus, but it would also be dangerous for those of us who don’t.

There is no doubt that this conference report contains many positive provisions that would help to stifle illegal immigration. Among the bill’s initiatives are provisions to increase by 5,000 the Border Patrol, to improve border-crossing barriers along areas of high illegal immigration, and to prohibit illegal aliens from...
Mr. DREIER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my friend, the gentleman from Woodland Hills, CA [Mr. BEILENSON], pending which, I yield myself such time as I may consume. All I am addressing is for the purpose of debate only.

(Mr. DREIER asked and was given permission to revise and extend his remarks and include extraneous materials.)

Mr. DREIER. Mr. Speaker, illegal immigration is a major problem that exists in this country, and nearly every one of us knows it. In my State of California, this may be the single most important law and order issue we have faced in a generation. Three million illegal immigrants enter the country each year, 300,000 to stay here permanently. More live in California than in any other State. In 3 years, that is enough people, Mr. Speaker, to create a city the size of San Francisco.

Mr. Speaker, I believe it is simply clear that this Congress is dedicated to results. I believe results are what the American people want from their representatives here in Washington, both in Congress and at the White House. When there is a national problem like illegal immigration, they want action. Today, with this bill that we are considering that was crafted so expertly by chairman of the subcommittee, the gentleman from Texas, [Mr. LAMAR SMITH], we are giving them a response.

Mr. Speaker, back in the 19th century, the German practitioner of policy Otto von Bismarck made a very famous statement, with which we are all very familiar, that people should not watch sausage or laws being made.

That dictum has never been more true than in looking at what has taken place over the past couple of years. Under the last Congress we have faced millions and tens of millions of dollars of special interest attack ads, as well as the political rhetoric that came along with Congress changing hands for the first time in four decades, Washington has not presented a pretty picture to the American people.

But look beyond the rhetoric, the soundbites, and the smokescreens, Mr. Speaker. Look at the results. We have gotten bipartisan welfare reform, bipartisan telecommunications reform, bipartisan health insurance reform, a line-item veto measure that passed with bipartisan support, environmental protections that have had bipartisan support, and now a major illegal immigration bill that also enjoys tremendous bipartisan support. In each case, the final product from this Congress has been a major accomplishment where past Congresses have unfortunately produced failure.

Mr. Speaker, in California, illegal immigration is a problem in its own right, but it is also a factor that contributes to other problems. It undermines job creation by taxing local resources, it threatens wage gains by supplying undocumented labor, it has been a major factor in public school overcrowding, forcing nearly $2 billion in State and local resources to be spent each year educating illegal immigrants rather than Calibernians.

As with other major national problems, the American people want results, not rhetoric, as I was saying. H.R. 2202 fills that bill. It is not perfect. There are Members of this House next year trying to add illegal immigration who think that the bill could be better, and I am one who thinks that this bill could be better. This conference report is not the answer to all of our problems or this Congress.

The bill dramatically improves border enforcement, fights document fraud and targets alien smuggling, makes it easier to deport illegal immigrants, creates a much needed pilot program to get at the problem of illegal immigrants filling jobs, and makes clear that illegal immigrants do not qualify for welfare programs. Together, Mr. Speaker, this is not just a good first step; it takes us a good way toward our goal of ending this very serious problem of illegal immigration.

Mr. Speaker, that I must note that the 104th Congress did not just come around to this problem at the end of the session. This important bill only adds to other accomplishments, other results.

Congress tripled funding, Federal funding, to $500 million to reimburse States like California for the cost of housing felons in State prisons if they are illegal aliens. The remarkable fact is that there are 1 in 100 cases of fiscal year 1996 and the Clinton administration has not distributed $1 in fiscal year 1996 money to States like California.

The welfare reform bill, signed by the President, disqualified illegal immigrants from all Federal and State welfare programs and empowered State welfare agencies to report illegals to the INS. Congress also created a $3.5 billion Federal Fund to build our hospitals for the cost of emergency health care to illegals, only to see that provision die due to a Presidential veto.

Finally, Mr. Speaker, I must add that promoting economic growth and stability in Mexico, in particular, whether through implementing the North American Free Trade Agreement or working with our neighbor to avoid a financial collapse that would create untold economic refugees on our Southern border is critical to the success of our fight against illegal immigration. We want to do what we can to
give people an opportunity to raise their families at home rather than come to this country for jobs and other benefits.

Mr. Speaker, now is the time for final action on this important illegal immigration issue. For too long, this bill has been at the top of the House's agenda. Today, we have our chance to pass it. I yield some of our folks have not arrived yet, it is because they did not expect to have to be over here quite at this time. At any rate, let us get down to the matter. We do have the remainder of the day to deal with this and its other matter. Mr. Gallegly's amendment, and we could have given ourselves a little more time, it seems to me.

Mr. Speaker, we do oppose this rule and the legislation it makes in order, the conference report on the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

By waiving all points of order against the conference report, the rule allows the leadership to bring this measure to the floor sooner than 24 hours from the time it emerged from the conference committee. Hardly anyone besides the majority Members and staff who worked on the conference report knows much about its specific provisions. We know that it does not contain Mr. Gallegly's amendment on educating children of illegal immigrants, which, is, we think, good. That is, it might contain it, but that is the only provision that has received much attention in the press.

We are being asked to rush to judgment on a matter that needs far more deliberation and discussion than it will have prior to the vote on final passage. Furthermore, the rule essentially sanctions House consideration of legislation that is not the product of a legitimate House-Senate conference committee.

There is good reason why no Republican members except for one or two in the conference committee, and even Democratic members who had worked hard on this legislation along with their Republican colleagues from its inception were completely shut out of the conference process. There was no consultation with Democrats over the past 5 months after the House and Senate had both passed immigration bills of their own. Democratic members went to the conference meeting yesterday not knowing what was in the final product. Mr. Dreier, Mr. Speaker, introduced a motion to delay legislation until the conference committee is able to offer amendments despite the fact that the proposed conference report contained many new items and quite a few that were outside the scope of the conference itself and no vote was taken on the report. And now here on the floor we are being asked to endorse this egregious practice by adopting this rule. We should not do that, we should defeat this rule or, failing that, we should defeat the conference report itself.

Mr. Speaker, those of us who represent communities where large numbers of immigrants settle have been working hard for a number of years to get Congress and the administration to slow the rate at which legal immigrants enter the United States. Many of us have also been trying to slow the growth or slow the rate at which legal immigrants are flowing into our country. Our efforts have been supported by not only people who are affected directly, but also by the vast majority of Americans everywhere. More than 80 percent of the American people, according to poll after poll, want Congress to get serious about stopping illegal immigration, and they want us to reduce the rate of legal immigration. Unfortunately, this legislation would do neither. This measure is a feeble and misguided response to one of the most significant problems facing our Nation. For us to spend as much time and energy as we have identifying ways to solve our immigration problems and then produce such a weak piece of legislation is, I think, really out of touch. And eventually the American people, perhaps soon, I hope soon, will understand that we have not fulfilled our responsibilities in this matter.

If we truly care about immigration reform, we must vote down this conference report today so that the Congress and the President will be forced to revisit this issue next year. Otherwise, I am afraid the Congress and the administration will have an excuse to do nothing at all. Further, let us hear from the House and Senate after the conference committee, which is, we think, good. That is, it might contain it; but that is the only provision that has received much attention in the press.

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States that have the highest numbers of undocumented workers. Because these pilot programs will be voluntary, employers will be able to avoid checking the status of their employees. Thus, businesses that hire illegal immigrants, and there are plenty of them, Mr. Speaker, who do, will continue to be able to get away with it the same way they do now, by claiming that they did not know that employees’ work authorization documents were fraudulent. And that will continue until Congress enacts the legislation and passes legislation making verification mandatory.

To make matters worse, the bill fails to provide for an adequate number of investigators within either the Immigration and Naturalization Service or the Labor Department to identify employers who are hiring illegal immigrants.

The other glaring failure of this piece of legislation is its failure to reduce the huge numbers of illegal immigrants who are settling in the United States each year. Many people have been focusing on the problem of illegal immigration, which is understandable. Un documented immigrants and employers who hire them breaking our laws and should be dealt with accordingly. But if a fundamental immigration problem we are concerned with, and I believe it is, it certainly is amongst the people I represent back home, is the impact of too many people, primarily too quick, into this country, the sheer numbers dictate that we cannot ignore the role that legal immigration plays. About three-quarters of the estimated 11 million foreigners who settle permanently in the United States each year do so legally.

It is the 800,000, more or less, legal immigrants, more so than the undocumented ones, the one thing we can examine how fierce the competition for jobs is, how overcrowded our schools are, and how large and densely populated our urban areas are becoming. More importantly, the number of foreigners we allow to settle in the United States now will determine how crowded this country will become during the next century.

The population of the United States has just about doubled since the end of World War II. That is only about 50 years ago. It is headed for another doubling by the year 2050, just 53 or 54 years from now, when it will probably exceed half a billion people. Half a billion people in this country. Immigration is the engine driving this unprecedented growth.

Natives of other lands who have settled here since the 1970’s and their offspring account for more than half the population increase we have experienced in the last 25 years. The effects of immigration will be even more dramatic, however, in the future. By the year 2050, more than 90 percent of our annual growth will be attributable to immigrants who have settled here since the early 1990’s, not prior immigration, but just the immigration that is occurring now and will continue to occur if this bill is allowed to pass.

As recently as 1990, the Census Bureau estimated that U.S. population would peak and then level off a few decades from now at about 300,000 people. In 1994, however, just 4 years later, because of unexpectedly high rates of immigration, the bureau changed its predictions so our population is growing unabated into the next century, into the late 21st century, when it will reach 800 million, or perhaps 1 billion Americans, in the coming century.

Now, a year ago, there was a near consensus among Members and others working closely on immigration reform that we needed to reduce the number of legal as well as illegal immigrants entering this country. The Clinton administration has proposed such reductions, and Senate Judiciary Committee versions of the immigration reform legislation also contained those reductions. All three proposals were based on the recommendations of the immigration reform task force of the late Barbara Jordan, which proposed a decrease in legal immigration of about a quarter million people a year.

The commission’s recommended reduction would still, of course, have left the United States in a position of being by far the most generous nation in the world in terms of the number of immigrants we accept legally. We would continue to be a country which accepts more legal immigrants than all of the other countries of the world combined.

But, unfortunately, Mr. Speaker, after intensive lobbying by business interests and by proimmigration organizations, both the House and the Senate stripped the legal immigration reduction from this legislation entirely, and did so with the Clinton administration’s blessing. Now, unless the Congress defeats this legislation today, reductions in legal immigration, are unlikely for the foreseeable future.

Our failure to reduce legal immigration will only be to our Nation’s great detriment. The rapid population growth that will result from immigration will make it that much more difficult to solve our most pervasive and omnipresent problems: air and water pollution, trash and sewage disposal, loss of agriculture lands, and many others, just to name some of the major ones.

More serious environmental threats are not all that we will face when our communities, especially those in large coastal urban areas, speaking mainly, of course, at the amount, of California and Texas and Florida and New York and New Jersey, but there are others that are already being affected and will be in the future, areas that are magnets for immigrants, whether legal or illegal, are already straining to meet the needs of the people here right now. There could be no doubt that our ability in the future to provide a sufficient number of jobs or adequate housing and enough water, food, education, especially health care and public safety, is certainly to be tested in ways that we cannot now even imagine.

However we look at it, Mr. Speaker, however we look at it, failing to reduce the current rate of immigration, legal and illegal, clearly means that our children and our grandchildren cannot possibly have the quality of life that we ourselves have been fortunate to have enjoyed. With twice as many people here in this country, and then more than twice as many, we can expect to have at least twice as much crime, twice as much congestion, twice as much pollution, twice as many problems in education, children, providing health care and everything else.

In terms of both process and outcome, this conference report is a grave disappointment. It is notable more for what it is not than for what it is. Instead of a conference report that reflects only the views of the majority party, this measure could have been a bill that madeproduct and legislation that is lax or lenient on enforcement penalties against those who knowingly hire illegal immigrants, this could have been a measure that finally established a workable system that enforced penalties against those who knowingly hire illegal immigrants, but it is not instead of a measure developed in someone’s office, this continuing resolution could have been the result of a conference committee, but it is not. Instead of legislation that is lax or lenient on enforcement penalties against those who hire illegal immigrants, this could have been a measure that finally established a workable system that enforced penalties against those who knowingly hire illegal immigrants, but it is not.

Instead of a bill that fails to slow the tide of legal immigrants, except by singling them out for unfair treatment, as it does, this could have been a bill that reduces the rate at which immigrants settle here and thus help solve many problems which confront us as a society already, but it is not.

Mr. Speaker, the bill this rule makes in order, does not, to be frank about it, deserve our support. I urge our colleagues to vote it down, both the rule and the conference report, so that Congress and the President, and the administration, which did not do its duty, it seems to this Member by these issues, both the Congress and the President will be forced to return to this issue next year and to produce the kind of immigration reform legislation that the American people want and that our country badly needs.

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

Mr. DREIER. Mr. Speaker, I yield 1 minute to my very good friend, the gentleman from Texas [Mr. Smith], the chairman of the subcommittee.

Mr. SMITH of Texas. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, the comments by opponents of this legislation simply do not represent the views of most Americans.
They do not even represent the desires of a majority of the Members of their own party. Every substantive provision in this compromise conference report has already been supported by a majority of Democrats and a majority of Republicans either in the House or Senate. I find it curious that when the American people want us to reduce illegal immigration, every single criticism made by the opponents of this bill would make it easier for illegal aliens to enter or stay in the country, or it would make it easier for noncitizens to get Federal benefits paid for by the taxpayer.

Mr. DREIER. Mr. Speaker, I yield 3½ minutes to my friend, the gentleman from Sanibel FL [Mr. G oss], the chairman of the Subcommittee on Budget and Legislative Process.

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

Mr. GOSS. Mr. Speaker, I thank the vice chairman of the Committee on Rules, my friend, the gentleman from California [Mr. DREIER], for yielding. I wish to commend the gentleman for his efforts on this important bill. I can say that the persistent and hard work that have been instrumental in getting us to this point.

I support the rule, but I do agree with the gentleman from California [Mr. BEILENSON] that there was a mixup in the scheduling, and I think that we have understood there was nothing sinister behind it. A vote dropped off, so we got ahead of ourselves.

Mr. Speaker, many months ago the House passed 2202 to reform our Nation's broken immigration system. This landmark legislation will tighten our borders, block illegal immigrants from obtaining jobs that should go to those who are in the United States legally, streamline the process for regular and mass enter, and make illegal immigrants ineligible for most public benefits.

All along in this process, the drumbeat from the American people has been very clear—it's long past time for reform. We have come to understand that reform is not for the faint of heart—that there are tough choices to be made and that there are real human beings on all sides of the immigration process. In the end, I believe we have legislation that is tough but fair—legislation designed to keep the door open for those who want to come to America but are willing to do it in an orderly, legal process, not sneak in the back or side door.

H.R. 2202 will add 5,000 new border patrol agents over the next 5 years. Yes, 5,000. It will make illegal immigrants ineligible for many public benefits, while still allowing them access to emergency medical care. It also requires illegal immigrants to pay for the cost of their illegal activities.

The bill will have serious deficiencies in regard to employment and work site enforcement. The conference report does not contain the Senate provision that would authorize 350 additional enforcement staff for the Department of Labor, Wage and Hour Division, to enhance worksite enforcement of our laws.

This conference report does not contain the Senate provision authorizing enhanced civil penalties for employers who violate the employment sanctions and specified labor laws. Higher penalties would also serve to reduce the incentives to employ and thereby deter illegal immigration.

This conference report does not contain the Senate provision that would have provided subpoena authority to the Secretary of Labor to carry out enforcement responsibilities under this act.

Even though I served on the conference committee, and I was honored to do so, I nor other Democrats were given the opportunity to offer amendments to correct these deficiencies: We will have real immigration reform when we as Democrats are not locked out of the process.

Is this bill better than no bill? Maybe. But the people of America want something that will stop illegal immigration. This will not stop it. It may be better than the status quo because of the additional border patrol, but it does not go as far as the American people want it to go to deter illegal immigration. That is why this is not the panacea that you may hear from the other side of the aisle. It is an election year gimmick to say we passed immigration reform, but we have not.

Mr. DREIER. Mr. Speaker, as the gentleman from Sanibel FL just said, this bill is clearly better than the status quo.

Mr. Speaker, I yield 2 minutes to my friend, the gentleman from Orlando, FL [Mr. MCCOLLUM], the chairman of the Subcommittee on Crime.

Mr. MCCOLLUM. Mr. Speaker, I thank the gentleman for yielding 2 minutes to me.

Mr. Speaker, I just want to make a comment. There are a few things in this bill that maybe I could quibble over, but very few. There are a number of things that are not in this bill that I would like to see here, and I know many other Members would. But, overall, this is an excellent work product. There are some very significant things in this bill.

One of the things this bill does is to reform the whole process of asylum, that is the question where somebody seeking to come here or to stay here claims that they have been or would be persecuted for religious or political reasons if they return to the country of their origin.

We have had lots of people coming in here claiming that. Most of them who claim it have no foundation in claim at all. Once they get a foot in the airport or wherever, they make that claim, they get into the system, many of them are never heard from again. We do not get the kind of speedy process we need to resolve this.

Under this legislation there is a system much better than we have today for resolving the whole question of asylum from A to Z. We have an expedited or summary exclusion process that will be used in those cases you get two bites at the apple. If you ask for asylum at the airport, an asylum officer specially trained will screen you. If you think you have been given a raw deal
and he says you do not have a credible fear of persecution and decides to return you straight home, you get to go before an immigration judge. That has to be done though within a matter of 24 hours, 7 days at the most.

It is a very, very serious provision, because if you do not qualify, you are going to be shipped right back out again, and do not get caught up in our system. And the list goes on and on.

So this is a very important and positive bill. But there are a couple of things that should have been in here that are not. One of them is the strengthening of the Social Security card that the gentleman from California [Mr. BEILENSON] talked about at some length. We need a way, a very difficult way, to get rid of document fraud, in order to make employer sanctions work. All too many people are coming into this country today getting fraudulent documents for $15 or $20 on the streets, including Social Security cards for whatever. And then they go get a job. There is no way to make a law that says it is illegal to knowingly hire an illegal alien work.

An employer deliberately had an intent to hire an illegal alien. The conference report does not give any provision for employers to hire illegal workers. The conference report does not include the provision that would have increased penalties for employers who knowingly hire illegal workers.

Now, that is significant, because each year more than 100,000 foreign workers enter the work force by overstaying their visas. Many are hired in illegal sweatshops, in violation of minimum wage laws. And we have seen what the Labor Department has unveiled in this regard over the last couple of years: Sweatshops all over this country with illegal aliens who are employed illegally in those sweatshops and no crackdown on the employers. The conference report does not include the additional 350 labor inspectors.

Let me also say something about class. This is a bill that discriminates against average working people in this country and average folks. Millions of Americans would be denied the ability to reunite with their spouses or minor children because they do not earn more than 140 percent of the poverty level, which is the income standard set by the conference report in order for it to sponsor a family member to come here.

A third of the country would be ineligible to bring in folks under this particular conference report. But if you have a few bucks, no problem. If you are an average worker in this country, we are sorry.

Another point in this bill that I think Members should pay attention to: An individual serves his country. They are here not as a citizen but as a legal immigrant, and they decide to serve in the armed forces, the Air Force, the Marine Corps, the Army, and they put in 2 years or 4 years, and then they leave and get in an automobile accident and take advantage of some medical benefits. They can go under this bill. They can be deported.

There are a lot of things in this bill that are discriminatory against a lot of people. They cannot be this country. I think it is a bad piece of legislation. Say no to the rule. Say no to the bill. We will come back and do it right in the next Congress.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume and would say to my friend, if he does not like the sponsor provision that exists today, he should try to get rid of it rather than leaving it absolutely meaningless.

Mr. Speaker, I yield 2 minutes to the gentleman from Huntington Beach, CA [Mr. ROHRABACHER], my friend, and one of the strongest proponents of legal immigration.

Mr. ROHRABACHER. Mr. Speaker, I rise in strong support of the rule and the conference report.

Mr. Speaker, millions of illegal aliens have been pouring into our country, and we have heard year after year that we should not act. There is always going to be a reason that the other side will prevent us from acting.

In fact, for years those of us on the Republican side have begged for an immigration bill, and we have been prevented time and time again from having any type of legislation where we could come to grips with this problem.

In California, our health facilities and our schools have been flooded with illegal aliens. Our public services are stretched to the breaking point. Tens of billions of dollars that should be going to benefit our own citizens are being drained away to provide services and benefits to foreigners who have come here illegally.

Who are these people? Certainly not the immigrants. We cannot blame them if we are to provide them with all these services and benefits. This administration and the liberal Democrats, who have controlled both Houses of Congress for decades, have betrayed the trust of the American people.

We are supposed to be watching out for our own people. When we allocate money for benefits, for service, SSI and unemployment benefits, it is supposed to benefit our own citizens who are paying taxes, who fought our wars.

Instead, when we have tried to make sure these are not drained away to illegal aliens, we have been stopped every time by the Democrats who controlled this House.

This bill finally comes to grips with the problem that has threatened the well-being of every American family. And, yes, we are going to hear a little nitpicking from the other side of why it is not a perfect bill. But the American people should remind themselves, it is this type of nitpicking that has placed their families in jeopardy for decades and permitted a problem of illegal immigration to mushroom into a catastrophe for our country.

Mr. BEILENSON. Mr. Speaker, I yield 2 1/2 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from California, and let me say as a new Member of Congress, I have admired his leadership, his determination, and particularly the demeanor in which he has led not only his district, the State of California, but the Nation, and I thank him very much for his services.

It is important we rise to the floor, Mr. Speaker, on this issue, to chronicle for the American people just how far we have come. This legislation started out as a combination of some efforts to respond to illegal immigration and illegal immigration.

Unfortunately, the provisions of the legal immigration part of this legislation were extremely harsh and, in fact,
did not capture the spirit of the Statue of Liberty, which indicates that this Nation, bar none, regardless of the standards used by other countries, we do not follow, we lead, was not a country that would close its doors to those seeking opportunities for work but opportunities for justice and liberty and freedom.

So I am delighted that we were able to separate out the major parts of legal immigration and to acknowledge that, yes, we must work with regulating the influx of those coming into this country, but we should never deny the opportunity for those seeking political refuge and needing social justice and fleeing from religious persecution. Our doors should never be closed.

I am disappointed, as we now look at illegal immigration, we have several points that need to be considered. This is not a good jobs bill for America because it does not give to the Department of Labor the 350 staff persons needed to make sure that employers are following the rules as they should.

And, likewise, I would say that this is an unfair bill with respect to those who are here legally, for it says if they want to bring their loved ones, their mother, their father, their siblings, they must not be a regular working person, but they have to be a rich person.

I thought this country was respective of all working citizens, all working individuals who worked every day. But now we require a high burden of some 200 percent more over the poverty level than had been required before in order for a legal resident, a citizen, to bring in their loved ones to, in essence, join their family together. I think that is unfair.

Then we raise a much higher standard on those citizens who now, or those individuals who are seeking employment who may be legal residents. Now they must prove intentional discrimination. I think that is extremely unfair.

We likewise determine that we do not have the ability for redress of grievances by those individuals who have been discriminated against. That is unfair.

And let me say this in conclusion, Mr. Speaker. Mr. Speaker, let me say that we treat juveniles unfairly and we should vote down the rules and vote down the bill.

Mr. DREIER. Mr. Speaker, I yield 1½ minutes to the gentleman from Mount Holly, NJ [Mr. SAXTON].

Mr. SAXTON. Mr. Speaker, I thank the gentleman from California for yieldng me this time.

Mr. Speaker, first let me say that I support the rule and I will vote in favor of the bill itself today. However, I am deeply disturbed by one aspect of the bill.

Most of the provisions of the bill, I think, are in accord with good sound policy. However, this bill does contain one provision, to exempt the Immigration and Naturalization Service from both the Endangered Species Act and the National Environmental Policy Act.

This provision is intended to address an issue that has to do with the California-Texas-Mexico border. However, the provision in reality section 7, as a matter of fact, of the Endangered Species Act provides the framework to address any fence building. I have letters from the Department of Justice and the Department of the Interior stating that these waivers are not necessary.

Mr. Speaker, if it is important enough to exempt the Immigration and Naturalization Service from these important environmental laws, then we have to grow food, why do we not just exempt the Department of Agriculture? We have to get around in this country, why do we not just exempt the Deportment of Transportation? And flood control is extremely important in my district, so why do we not just exempt the Corps of Engineers?

Mr. Speaker, this is a bad provision, and while I am going to vote for this bill, I pledge to spend the next 2 years making sure we straighten out this part of the bill which, to me, is a serious problem.

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California [Mr. BECERRA].

Mr. BECERRA. Mr. Speaker, I thank the distinguished gentleman from California, a friend of mine, for yielding me this time.

I also want to join all my colleagues who are acknowledging the many years of service the gentleman from California [Mr. BEILENSON] has provided to this institution and to the people of America. They probably do not realize how instructive he has been in helping us face the dictates of history and I certainly will miss him, and I hope that he continues to be involved in policy for this country, because he has been a voice that has brought reason and, I think, a great deal of wisdom to this country’s policies and laws.

Mr. Speaker, let me go on to say that I am very disappointed in what we have here today, for a couple of reasons, not only because I think substantively this is a bad bill that needs a great deal of improvement, but because procedurally it is disappointing to see, in the greatest democracy in the world, that the Republican, the majority in this Congress, saw fit not to allow anyone to participate in the structuring of this bill. That is the democratic process that we have undergone in this bill, where Members are not told what is in the bill until the last moment.

What is the result? One Member called it, one colleague called it nitpicking. I do not call it nitpicking when through a stealth move we remove increased penalties for employers who know they are hiring people who are not authorized to work in this country. Why? I do not know. Who does it hurt? Only those employers who are violating the law. Why do we want to reduce the penalties on employers who are violating the law?

Final point I will make, young student in college, tries to get financial aid, has been valedictorian at high school. Because he is a legal immigrant, he is not authorized to work. He gets a Pell grant. Gets a Pell grant for 1 year, is now deportable because the person qualified for a Pell grant or maybe a student loan. Crazy.
Mr. DREIER. Mr. Speaker, I yield 2 minutes and 30 seconds to the gentleman from Scottsdale, AZ [Mr. HAYWORTH], my thoughtful and hard-working and eloquent colleague.

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

Mr. HAYWORTH. Mr. Speaker, I thank my good friend from California for this time. Mr. Speaker, I would make the observation that despite the prevalent winds in our nation today of what is politically correct, this is one of the few instances in official Washington where a description accurately fits the act it is describing, for this rule and this legislation addresses the problem of illegal immigration. By its very definition, it is an act against the law. And for that reason primarily, if an action is taken which is illegal, there should be sanctions against those who would participate in that illegal act. That is why I rise in strong support of the rule and the legislation.

Mr. Speaker, I come from the border State of Arizona. It is of great concern to the people of Arizona that we close the door on illegal immigration. Hear me clearly, on illegal immigration, because if it is illegal back door, we can keep the front door open to immigrants who have helped our society and helped our constitutional Republic.

I think of one of them who hails from Holbrook in the sixth district of Arizona, who makes that place her home. Her name is Pee Wee Mestas. She is a restaurant owner. She came to this Nation legally. Her mother applied for a visa, went through the necessary legal steps to become a citizen. Her mother worked hard, going to school, going to cosmetology classes while working as a domestic servant to provide for her family. Pee Wee’s mom was willing to work hard and follow the rules. Because she was, she raised up a generation that is working hard and play by the rules.

That is the basic issue here. End an illegal act and instill responsibility. If it is good enough for the Mestas family, it should be good enough for the United States of America. Support the rule. Support the legislation. Let us take steps to end illegal immigration.

Mr. BEILENSON. Mr. Speaker, I yield 1 minute to the gentlewoman from New York [Ms. VELAZQUEZ].

(Ms. VELAZQUEZ asked and was given permission to revise and extend her remarks.)

Ms. VELAZQUEZ. Mr. Speaker, I would like to take this opportunity to offer thanks to the gentleman from California [Mr. BEILENSON] for his guidance, leadership, that vision, and we all are going to miss him.

Mr. Speaker, I rise today to express my strong opposition to this conference report. This so-called immigration reform bill does not achieve what it professes to do. It affects a wide range of very hard-working Americans but, worst of all, it wreaks havoc on the lives of children. When did we become such a distrustful society that we would even turn on our most vulnerable members?

In a frenzy to shove undocumented immigrants out of the country, the Republican majority has crafted one of the most offensive pieces of legislation ever. This bill did not pass by my better simple by removing the bar on undocumented children attending public school. The conference agreement still severely restricts legal immigrants’ access to benefits, even though they play by the rules, they work hard and contribute, and their children are multibillionaires who renounce their citizenship just so they cannot pay taxes, they are welcome to come back. I ask my colleagues and urge them to vote down the rule and vote this legislation down.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Lula, GA [Mr. DEAL].

Mr. DEAL of Georgia. Mr. Speaker, we have heard a lot of terms here today and abstract language about the greatest unfairness there is. That is those citizens and those legal immigrants who are finding their jobs taken away from them, who are finding their jobs increased to pay for the immigrations that those who are illegally in this country and the benefits that are going to them.

There are a lot of things that we as Americans hold dear. One is citizenship. Those of us who are lucky enough to live in this country, or those who have achieved it by virtue of birth or those who have achieved it by virtue of immigration and naturalization. Another thing we hold dear is that we are a country that has a system of law.

I submit to you that the ever-increasing tide of illegal immigrants undermines both of these things. Citizenship should not be cheapened. Respect for the law, which includes immigration laws, should not be denigrated.

This bill is the first major step this institution has taken in the direction of dealing with illegal immigration in more than a decade. Is it perfect? Certainly not. But does it begin to restore the sanctity of citizenship and respect for the law, yes, it does.

Mr. BEILENSON. Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. Berman].

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

Mr. Berman. Mr. Speaker, first I want to say to my colleague from California, whom I have known for 34 years, who walked precincts in his first campaign, that I will truly, sincerely and sorely miss him. He is a model legislator and a pleasure to work with. I wish him well.

The gentleman from Arizona, who spoke a few minutes ago, is so totally wrong when he says this is the bill that will finally do something about illegal immigration. This is not that bill. When they think about it, the only effective ways to do something to deter illegal immigration are at the border, and this bill authorizes more Border Patrol, but already the Committee on Appropriations and the administration have gone far beyond the authorization contained in this particular bill to do that. Setting up and committing to a national verification program to make employer sanctions meaningful, in my view, edges this bill started out like that but totally false on the House floor, primarily at the behest of the majority party Members. And then to go after those industries that systematically recruit and employ illegal immigrants in order to have a work force at the lowest possible wages, taking conditions in their own operations.

The Border Patrol increase is being done by the administration and the other 2 provisions are outrageously ignored in this conference report.

I voted for this bill when it came out of the House of Representatives. I indicated I would vote for it in the form it was in if the Gallegly amendment was removed. The Gallegly amendment was removed, but in a dozen different ways the conference report in the House bill and in many cases, notwithstanding the Committee on Rules waivers, exceeds the scope of what either House did in the most draconian ways. Draconian against illegal immigration? Draconian against legal immigrants.

This is truly a desire by the people who lost on both the House and Senate floor in their efforts to cut back on legal immigration to do the same thing, but in the mean time, not straightforwardly by reducing the numbers but by focusing on the working class people in the society and stripping them of their right to bring legal immigrants over.

The new welfare law bars legal immigrants from programs such as SSI and food stamps and from Medicaid for 5 years. It gives States the ability to permanently deny AFDC and Medicaid to legal immigrants.

The conference report goes much, much further than that, makes legal immigrants not eligible for these three or four programs but subject to deportation for use of almost every means-tested program for which they are eligible under the welfare law. In other words, what the welfare conference did not do, they decided to do here, and not declare ineligibility but make you subject to deportation.

Let me tell you what that means. You have a legal immigrant child who goes through high school, applies to a college based on your superb academic performance and test scores. You get admitted to an expensive university, ivy league college, Stanford. You apply for a student loan. If you are on that student loan from more than a year, you are subject to deportation. What an outrageous provision that is. What a slap in the face of this country’s traditions that is.

I ask my colleagues how much else they do here. For the first time in American history, an U.S. citizen will be subject to an income test before he can bring his spouse into the country.
Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. PACKARD], former mayor of Carlsbad, now of Oceanside, CA. (Mr. PACKARD asked and was given permission to revise and extend his remarks.)

Mr. PACKARD. Mr. Speaker, I rise in very strong support of this rule and the conference report. Immigration has been the most significant critical problem in my State for many, many years. I have worked a lifetime, it seems, on trying to resolve our serious illegal immigration problems. They are affecting southern California generally and the Nation generally in very significant ways.

In fact, the two bills that I introduced on the first day that I started this session of Congress, the comfort bill, have been incorporated into this bill, one of which would increase the Border Patrol to 10,000 agents, and the second would deny Federal benefits to illegal aliens. In essence, that was Prop 187 in California.

But this bill is not only about protecting our borders from those who are entering here illegally. It is about protecting American taxpayers from being forced to pay for those who are breaking our laws just to be in this country. California alone pays out billions of dollars per year to deal with the problems of illegal immigration. This bill will help to ease this problem by removing the incentives for immigrants to cross our borders illegally, and by reimbursing those States who have to incarcerate illegal immigrant felons.

Mr. Speaker, this bill is the culmination of a process that began in California with Prop 187 and continued through the Immigration Task Force called by the speaker. I want to congratulate all those who have worked so hard on it. I particularly want to congratulate LAMAR SMITH, who has worked this bill together with Mr. BEILENSON, and I want to congratulate ELTON GALLEGLY for his efforts, and certainly I will support his bill and the vote on this issue.

Let me conclude by simply telling the minority leader of the Committee on Rules, Mr. BEILENSON, at least on this issue how much I have appreciated working with him. He is one of the gentlemen of the House. It has been a real pleasure to work with him over these years. We will miss him dearly.

Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. GALLEGLY], my very good friend who has chaired our Task Force on Illegal Immigration, former mayor of Simi, CA.

Mr. GALLEGLY. Mr. Speaker, I thank the gentleman for yielding. I rise today in strong support of this rule.

For the better part of the last decade I have been working to bring badly needed reforms to our Nation's immigration laws. Unfortunately, for far too long I have felt like I was talking to myself.

That is clearly no longer the case. Immigration reform is an issue on the minds of nearly all Americans, and nearly all express deep dissatisfaction with our current system and the strong desire for change. Today we are delivering that change.

I truly believe that this conference report that we will be hearing shortly represents the most serious and comprehensive reform of our Nation's immigration law in modern times. It also closely follows the recommendations of both the Speaker's Task Force on Immigration Reform, which I chaired, and those of the Jordan Commission. Approximately 60 percent of the recommendations made by the Speaker's Task Force have been included in this conference report.

They include, in part, provisions to double the number of Border Patrol agents stationed at our borders to 10,000 agents; expanded preinspection at foreign airports to more easily identify and deport those persons with fraudulent documents or criminal backgrounds; tough new penalties for those who use or distribute fake documents, bringing the penalty for that offense in line with the use or production of counterfeit currency.

Mr. Speaker, the primary responsibilities of any sovereign nation are the protection and enforcement of its laws. For too long in the area of immigration policy, we at the Federal Government have shirked both those duties. It may have taken a long time, but policy makers in Washington are finally ready to acknowledge the devastating effects of illegal immigration on our cities and towns.

Finally, I would like to congratulate my colleague, the gentleman from Texas [Mr. SMITH], who chairs the Subcommittee on Immigration and Claims for all the effort that he has put into this, putting his heart and soul into this legislation. I would like also to thank him for welcoming the input of myself and other members of the task force in crafting this legislation, and I urge my colleagues to vote yes on this rule and let us pass immigration reform that this Nation sorely needs.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to my very good friend the gentleman from Imperial Beach, CA [Mr. BILLBRAY].

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

Mr. BILLBRAY. Mr. Speaker, as somebody who lives on the border with Mexico and grew up with this immigration issue, I am very concerned to hear my colleagues on the other side of the aisle say, "Let's not do it now. Let's put it off." Would you delay addressing one of the greatest terrorist acts that we have seen in our neighborhoods and along the border than we have seen in our lifetime? If Oklahoma's explosion was so important that we address that, the same applies to our freeways, drowned in our rivers, run off of cliffs. More people have died, my colleagues, trying to cross the border illegally in San Diego than were killed in the Oklahoma bombing.

Now I ask my colleagues on the other side of the aisle who wanted to delay on this issue, I am very concerned to hear my colleagues on the other side of the aisle say, "Let's not do it now. Let's put it off." Would you delay addressing one of the greatest terrorist acts that we have seen in our lifetime? If Oklahoma's explosion was so important that we address that, the same applies to our freeways, drowned in our rivers, run off of cliffs. More people have died, my colleagues, trying to cross the border illegally in San Diego than were killed in the Oklahoma bombing.

Please join with us. Support the rule. Let us reform illegal immigration and let us do it now. Quit finding excuses. Mr. BEILENSON. Mr. Speaker, I yield myself the remainder of our time.

The SPEAKER pro tempore (Mr. CAMP). The gentleman from California is recognized for 30 seconds.

Mr. BEILENSON. Mr. Speaker, we urge, as we have before, a "no" vote on this rule. The rule allows consideration of the conference report without proper consideration by the conference committee, a conference report on which the minority party had no involvement. More importantly, the conference report that this rule makes in order is a feeble and misguided response to one of the most significant problems facing our Nation. Passage of this legislation will allow employers who hire illegal immigrants to continue to do so and to get away with it. I urge all of my colleagues in the Congress say that we have done something about illegal immigration when in fact we have not done the real work that we know that we have to do.
The real tragedy, Mr. Speaker, and I say to my friends, is that we have missed here a great opportunity to know what to do. The Members who have worked hardest on this issue know what we need to do.

So, I suggest to Mr. Speaker, that we defeat this rule and force the Congress and the President to revisit this issue next year and then produce the kind of immigration reform legislation that the American people want and that this country so badly needs.

Mr. DREIER. Mr. Speaker, I yield myself the balance of my time to simply say that this may be the last rule that will be managed by my very good friends and neighbors from California and to join in letting my colleagues know that he will be, by me, sorely missed. He has been a great friend and, I do appreciate the advice and counsel that he has given me over the years.

Let me say on this particular measure, Mr. Speaker, that as we look at this issue, it has been a long time in coming. Getting to this point has been a struggle and, I should say, I feel sure to my friends on the other side of the aisle that I can certainly relate to the level of frustration that those in the minority have felt, because having gone through four decades of serving in the majority, they find that they are not able to have quite the control that they did as now members of the minority.

But I believe that, as was the case when this bill first emerged from the committee, that it will in the end enjoy tremendous bipartisan support. The measure earlier this year had a tremendous number of votes. As I recall, there were only 80 some odd votes against the bill itself and 330 votes in support of it, and so the vote may not be identical to the earlier one, but I do believe that there will be Democrats and Republicans alike recognizing that this Congress has done more than past Congresses to deal with this problem of illegal immigration.

The American people have asked us to do it, and the 104th Congress has been result-oriented as we go through the litany of items from telecommunication reform, welfare reform, line item veto, unfunded mandates. We have provided tremendous results, and this immigration bill is further evidence of that.

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 SPEAKER pro tempore. The question is on the resolution.

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

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

The SPEAKER pro tempore. Evidently a quorum is not present. The Sergeant at Arms will notify absent Members.
The Clerk read the title of the bill. The SPEAKER pro tempore, (Mr. Riggs). Pursuant to House Resolution 528, the conference report is considered as having been read.

(For conference report and statement of Mr. SMITH of Texas, see proceedings of the House of Tuesday September 24, 1996, at page H10841.)

The SPEAKER pro tempore. The gentleman from Texas [Mr. Smith] and the gentleman from Michigan [Mr. Conyers] each will control 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. Smith].

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

Mr. Speaker, this conference report gives Congress the best opportunity in decades to address the illegal immigration crisis. Every 3 years, enough illegal aliens enter the country permanently to populate a city the size of Boston or San Francisco. Classrooms bulge; welfare jumps; the crime rate soars. Innocent victims pay the price, and law-abiding taxpayers foot the bill.

This bill secures America’s borders, penalizes illegal smugglers, expedites the removal of criminal and illegal aliens, prevents illegal aliens from taking American jobs, and ends noncitizens’ abuse of the welfare system.

By doubling the number of Border Patrol agents and securing our borders, we work to free American communities from the burdens imposed by illegal immigration: crime, drug trafficking, and increased demands on local police and social services. The benefits of securing our borders will be felt not only in border States but throughout the entire Nation.

If we cannot control who enters our country, such as illegal aliens, we cannot control what enters our country, such as illegal drugs. To control who enters, this bill increases criminal penalties for alien smuggling and document fraud. The Nation cannot allow alien smuggling to continue, especially since many alien smugglers are also kingpins in the illegal drug trade.

Illegal aliens should be removed from the United States immediately and effectively. Illegal aliens take jobs, public benefits, and engage in criminal activity. In fact, one-quarter of all Federal prisoners are illegal aliens. This bill will reduce the rate, lower the cost of imprisoning illegal aliens, and make our communities safer places to live.

This legislation also relieves employers of a high level of uncertainty they face by streamlining the hiring process. It makes the job application process easier for our citizens and legal residents by establishing voluntary employment quick-check pilot programs in 5 States. The quick-check system will give employers the certainty and stability of a legal workforce.

Since the beginning of this century, immigrants have been admitted to the United States on a promise that they will not use public benefits. Yet every year the number of noncitizens applying for certain welfare programs increases an astonishing 50 percent. America should continue to welcome those who want to work and contribute, but we should discourage those who come to live off the taxpayer. America should keep out the welcome mat but not become a doormat.

This legislation also ensures that those who sponsor immigrants will have sufficient means to support them. Just as we require deadbeat dads to provide for the children they bring into the world, we should require deadbeat sponsors to provide for the immigrants they bring into the country. By requiring sponsors to demonstrate the means to fulfill their financial obligations, we make sure that taxpayers are not stuck with the bill, now $26 billion a year in benefits.

The provisions in this conference report are not new. These are the same reforms that passed the House on a bipartisan vote of 333 to 87, and in the Senate on a bipartisan vote of 97 to 3. These reform that President Clinton has urged Congress to pass and send to his desk.

This bill will benefit American families, workers, employers, and taxpayers across the Nation, but especially in California, Texas, Florida, and other States that face the illegal immigration crisis on a daily basis.

Mr. Speaker, America is not just a nation of immigrants. It is a nation of immigrants committed to personal responsibility and the rule of law. It is time for Congress to stand with the American people and approve this conference report.

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

Mr. Conyers. Mr. Speaker, I yield myself 4 minutes.

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

Mr. Conyers. Mr. Speaker, we are dealing with a bill that is so flawed, we will need a lot of speakers to make it clear why Members should not support the immigration conference report that is now before them.

What we do to the environment is a crime. The National Environmental Protection Act is the Nation’s founding charter for environmental protection. It has been revised, and this bill repeals that law, in effect, when it comes to border-related construction. That means when we are working on highways, roads, bridges, fences, that it is OK to ignore the environment. Do my colleagues really mean that?

This conference report means that border construction can pollute our public waterways anyway, dirty our air, create hazardous point sources that can create dangerous risks, and generally ignore any adverse environmental impact of that construction. Do my colleagues really want that in a conference report?

Mr. Hyde. Mr. Speaker, I listened to the last gentleman in the well and I am a little bit bewildered. Because we worked on this bill up, it took us 9 days, and we dealt with 103 amendments, 39 of which were decided by rollover vote. The bill, when we finally got it to the floor, passed 333 to 87 in the House and 97 to 3 in the Senate. Prior to introducing the bill, the House Immigration Subcommittee heard from more than 100 witnesses and the Democrats were present and participated fully. So the gentleman, I think, is mistaken.

In any event, this is another of the most important and far-reaching legislation this Congress will handle. A country has to control its borders. A country has the right to define itself. I think this is a
good bill. It cannot please everybody, but it pleases a lot of people and I think it ought to pass.

I am pleased to speak in support of the conference report on H.R. 2202, because I believe it will facilitate major progress in addressing one of America's most urgent problems—illegal immigration. In reconciling House and Senate versions of this landmark legislation, we provide for substantially enhanced border and interior enforcement, greater deterrents to immigration-related crimes, more effective mechanisms for denying employment to illegal aliens, and a pathway to permanent resident status for many States to continue providing free public education to undocumented aliens—and we did nothing to discourage such choices at the State level. The compromise House and Senate conferees initially developed, both gave expresison to a State First mandate, a different course and extended important transitional protections to current students. Because of an explicit veto threat from the President, however, we subsequently decided that it would be preferable to address this entire issue in immigration-related provisions to the bill.

The conferees also struggled with the issue of how to fairly and expeditiously adjudicate asylum claims of persons arriving without documents or fraudulent documents. We recognized that laying of prolonged administrative and judicial consideration can overwhelm the immigration adjudicatory process, serve as a magnet to illegal entry, and encourage abuse of the asylum process. At the same time, we have extended safeguards against returning persons who meet the refugee definition to conditions of persecution.

Specially trained asylum officers will screen cases to determine whether aliens have a "credible fear of persecution"—and thus qualify for more elaborate procedures. The credible fear standard is redrafted in the conference document to address fully concerns that the "more probable than not" language in the original House version was too restrictive.

In addition, the conferees provided for potential litigation review of adverse credible fear determinations by asylum officers. This is a major change providing the safeguard of an important role for a quasi-judicial official outside the Immigration and Naturalization Service.

The conference document includes a House provision I offered in the Committee on the Judiciary to protect victims of coercive population control practices. Our law—which appropriately recognizes persecution claims in a number of contexts—must not turn a blind eye to egregious violations of human rights that occur when illegal aliens are forced to terminate the life of an unborn child, submit to involuntary sterilization, or experience persecution for failing or refusing to undergo an abortion or sterilization or for resisting a coercive population control program in other ways. A related well-founded fear clearly must qualify as a well-founded fear of persecution for purposes of the refugee definition.

Our modification of the refugee definition responds to the moral imperative of aiding victims and potential victims of flagrant mistreatment. We also take a public stand against forcible interference with reproductive rights and forcible termination of life—a stand that hopefully will help to discourage such inhumane practices abroad.

This omnibus immigration legislation makes major needed changes in the Immigration and Naturalization Act. The conference document is to respond in a measured and comprehensive fashion to a multifaceted breakdown in immigration law enforcement. I urge my colleagues to support it.

Mr. CONYERS. Mr. Speaker, I yield such time as may consume to the gentleman from Texas [Mr. BRYANT] who is completing his 14th year. He has served with great distinction in the Congress on a variety of committees, including the House Committee on the Judiciary.

Mr. BRYANT of Texas. I thank my good friend from Michigan for yielding me this time and for those nice remarks.

Mr. Speaker, the gentleman from Illinois [Mr. HYDE] and the gentleman from Texas [Mr. SMITH] have spoken of a bill that passed by wide margins. Indeed it did. But it is not the bill before the House today, and that is the whole point that we are making. It was changed radically before it even got to the floor by the leadership. It has been changed radically since, and that is why we say to Members today, vote for the motion to recommit but do not vote for this bill.

Mr. Speaker, in my opinion, this bill is a sponsor of this legislation. I stood in a press conference alongside the gentleman from Texas [Mr. SMITH] and said we have got to do something to reduce illegal immigration and to reduce illegal immigration. With a great deal of criticism from many people on my side, I said we had to pass a bill, and I was for the bill we introduced. But that is not the bill that is before the House today.

We put together a bill that was to have reflected what the Barbara Jordan Commission recommended to us was to have been a bipartisan bill. It was going to be tough on employers that hire illegal aliens and include tough measures to stop illegal aliens from coming into the country and taking jobs.

But somewhere along the way, in the back rooms, the stuff that was tough on employers became a wish list of wishes, here, and that is to say, the employers that attract them here with a promise of jobs, somehow it disappeared, and in its place was put a list, a wish list offered up by lobbyists for the biggest employers of these illegal aliens in the country.

The bill that passed the House committee included 150 wage and hour inspectors that were asked for by the Jordan Commission. The bill included 350. Why? Because people that hire illegal aliens also violate the wage and hour laws. Why? Because half of the jobs in this country that are lost to illegal aliens are lost to illegal aliens that did not get here by sneaking across the border. They may have been here with a visa, but then they did not go home, they overstayed the visa. You can put a million Border Patrol agents at the border, but you are not going to find the 350 to the problem. The only way you are going to find it is with wage and hour inspectors. Those are gone from the bill. Why? Because some lobbyist for an employer somewhere wanted it done.

The bill eliminates the increased civil penalties for employers to tell them we are not going to put up any more with chronic violators of the laws that say you cannot hire people that are not citizens or are not here legally. Those enhanced civil penalties are gone. Why? Because the American people wanted them gone. Because the Jordan Commission said that they ought to be gone? Of course not. Because a lobbyist for an employer that hire illegal aliens came down here and said, "Mr. Gingrich, you Republicans do your job and get us off the hook." And that is exactly what they did.

They also added into the bill gratuitous language that eliminates the anti-discrimination provisions in the current law. Not in the bill, but in the current law. We passed a bill in 1986. Many Hispanics said this is going to result in inadvertent discrimination against Americans who are of Hispanic descent because they are going to be confused with somebody who is here illegally.

The GAO, after the bill was passed, did a study and found that they were right, so we included in the law strong prohibitions on discriminating against people in the course of asking for a job by asking them for too many papers or giving them a hard time when they come to the workplace. The law says you can ask for one of several papers, and that is all you can do.

But now the Republican provision says it does not make any difference if you ask them for all the papers in the world. If you cannot prove you intended to discriminate against them,
you are not guilty of discrimination. That is a fundamental violation of the compact that we made between the groups in this country that make up our population, so that no one would be disadvantaged by the enforcement of a bill and law that is difficult to enforce. Well, it is gone.

The simple fact is this: What the employers that hire illegal immigrants wanted got done in this bill, and what working Americans who need to have their jobs protected, from being lost to illegal aliens, was not done. Worse, those that are the subject of discrimination, inadvertent or advertent, now have lost their protection.

Mr. Speaker, this is not a good bill. I can see the handwriting on the bill. I know it is an election year. Anti-immigration rhetoric is real good in an election year, and I am sure we are probably going to see a lot of folks coming down to vote. I could not vote for this, but I probably am going to have to. You do not have to. Vote for the motion to recommit. We fix all of these problems and a few I do not have time to mention. Vote for the motion to recommit. Vote against the bill.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentleman from California [Mrs. SEASTRAND], who has been such a fighter in our effort to reduce illegal immigration.

Mrs. SEASTRAND. Mr. Speaker, I rise in very strong support of the conference report to H.R. 2202. It has completely rewritten the laws regarding the apprehension and removal of illegal aliens and will fully fund initiatives to double the size of our Border Patrol and increase the level of immigration enforcement in the interior of these United States. It will implement a strategy of both prevention and deterrence at our nation’s land borders.

This legislation will require aliens who arrive at our airports with fraudulent documents to be returned without delay to their point of departure, making it difficult for aliens to enter the United States, either across our land borders or through our airports. It will also aggressively attack immigration-related crimes. It is going to increase penalties for alien smuggling and document fraud and expand the enforcement capacity against such crimes. It will also make it easier for employers to be certain that they are hiring legal workers by providing a toll-free worker verification number that the employer can verify the eligibility of employees to work legally in the United States.

I will just tell you, America, and especially California, needs immigration reform now.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Massachusetts [Mr. FRANK], the senior member of the Committee on the Judiciary, who has worked with great diligence on trying to reform the bill.

Mr. FRANK of Massachusetts. Mr. Speaker, we have here Congress and American politics at its absolute worse. We have a very important issue, illegal immigration.

I worked for a very long time in a bipartisan way with departing Senator Al. SIMPSON, whose departure I regret now as others in 1986 and in 1990 to fashion legislation in a bipartisan way to deal with this problem. Bipartisan, because this is not and ought not be an ideological issue. Some issues are legitimately partisan. This was sorry to here the chairman of the Committee on the Judiciary defend the shabbiest legislative procedure I have ever seen here. Yes, we had full markups; yes, we had full debates. And then once we did, this bill disappered into a series of secret meetings between the Republican House and Senate staffs, it seemed to me, with some input from the Members, and the Dole campaign, and virtually all of the things on which we seriously worked in this committee disappeared, and others appeared.

Now, this is a popular issue, getting rid of illegal immigrants to the extent that we can, as it ought to be. Unfortunately, this is a bill which does not do anything to diminish illegal immigration, and, instead, as the gentleman from Texas noted, makes it a little easier than it used to be for people to take advantage of them once they are here. This is a bill that says, gee, it would be nice if there were not so many illegal immigrants, but as long as they are here, maybe we can get a little cheap work out of them. That is the general thrust.

But then it does other things. I want to talk about one thing that appeared that was in neither bill. At the Republican Convention we had speakers who talked about AIDS and how terrible it is. When the Republican leadership passed this bill they said that if you are HIV positive you would be forced out, that was recognized to be a mistake and it was repealed. But here they go again.

What they have done is to take the issue of illegal immigration, a popular issue, and use it as a shield behind which to do ugly things to vulnerable people. The gentleman from Texas pointed out the extent to which they are weakening the civil rights protections. He is right; what thing they do. It was not in either bill. It has not been voted on, and in the most extraordinary arrogance ever seen, we were not allowed to offer an amendment on this or any other thing in the conference. Because I will give my Republican leadership friends credit, they know how embarrassing this is, and therefore they are determined not to let anyone vote on it, so they did it in a forum in which you could not vote.

They simply say, we got an exception to the exception for communicable diseases. They are HIV positive, that you cannot get Federal assistance. The one I am talking about has to do with people who are HIV positive. This bill says if you are a legal immigrant, you came here legally, and there has been some economic misfortune and you get very sick, you cannot take federally-funded medical care for more than a year. That in itself seems to me to be cruel and unfair.

But then they say, well, in the interest of public health, we do not want epidemics around, we will make an exception for communicable diseases. That was in the bill.

Then, in the mysterious darkness that they use instead of a conference report, they gave an exception to the exception. What is the exception to the exception? If you are here legally and you are HIV positive, you may not get any treatment if you need Federal funds. If you are here legally and you contracted this terrible illness, which they profess to think is something we ought to fight, then you are, by this bill, condemned to get no help, because you cannot get Federal assistance.

I guess when they tote up the death penalties that they want to take credit for, they ought to add one: Legal immigrants here with HIV are going to be forced out of the country, and you cannot get Federal funds. I yield back to the gentleman from Texas.

They created an exception for communicable diseases, but then they created an exception to the exception, so that if you are here legally and you get HIV, no matter how, and, by the way, you have not changed the law. I did not agree with it, but this is the law, no one is now challenging it, so if you are known to be HIV positive and you test positive, you cannot come in. So we are not talking about becoming a magnet for people who are HIV positive to come here. There is already a limit on that.

What we are talking about are people who are here and become HIV positive, or who are here and become HIV positive when they got here and they are also denied medical treatment for more than 12 months, which, of course, if you are HIV positive, is the medical treatment you need.

What is the reason for that? What is that doing in a bill to deal with illegal immigration? I am talking about illegal immigrants. They can be deported if they take advantage of this medical care. I do not think it is a good idea to deny medical care to people in need elsewhere.

I yield back. We said, "Gee, we made a mistake. We should not kick people who are HIV positive out of the military." Should we kick them out of existence? Because that is what you do when you say to people who are here and do not have a lot of money and who are HIV positive, that you cannot get any medical treatment beyond 12 months.

I take it back. When they are about to die, then I guess they can get some. There is an untenable substantive and procedural piece of legislation, and it ought to be defeated.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentleman from
Mr. SMITH of Texas. Mr. Speaker, I yield myself 15 seconds to say what the bill says, and that is it does not deny AIDS treatment to legal immigrants. It simply says the immigrant’s sponsor, not the American taxpayer, should pay for the treatment.

Mr. BRYANT of Texas. Mr. Speaker, I yield 10 seconds to the gentleman from Massachusetts [Mr. FRANK]. Mr. FRANK of Massachusetts. Mr. Speaker, it is a good sign that they are uncomfortable when it is described accurately. It does not just say you go after the sponsor. If you are a legal immigrant and you are treated, you can be deported for it. It becomes a deportable offense to be a sick person who gets treated if you have AIDS. At least describe accurately the harm you are inflicting on people.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Speaker, let me take 10 seconds out of the beginning of my short remarks here as a border State Congressman from California. One of the greatest selling jobs of all time was to take the behavioral conduct ring out of the word AIDS. If we were discussing this as what it is, a fatal venereal disease, and it had the ring of syphilis, which is no longer a fatal, it would go back and forth like this. We would say illegal immigrants cannot get treatment for syphilis, and if they are legal then their sponsor has to take care of it.

But because we have done this magnificent PR on the only fatal venereal disease in the country, we still go back and forth as though AIDS is a badge of honor. It shows you are a swinger and you are part of the in crowd in this country. Sad. I cannot add anything to the brilliance of the gentleman from California [Mr. GALLEGLY] or the gentleman from Texas or the people who have worked out an excellent piece of legislation. I just, for my 5 known children and my 3 grandchildren, want to get up and say: Illegal-legal. Illegal is lawbreaking; law breakers have no rights in this country.

Mr. BRYANT of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Speaker, I want to join my other colleagues in indicating how sorely I will miss my friend from Texas, who is really a great Member of Congress, and I am sorry he will be leaving this body.

This is the stupidest as well as the meanest provision I can imagine. When
Mr. Speaker, this is truly a humbling moment for me because this conference report is something that truly I wondered if we would ever see in this body.

I came to Congress nearly a decade ago, and since that time my overwhelming focus has been on two things: to stop the unchecked flow of illegal immigration in this country and to find a way to convince those that are doing more now than we ever did. We have added 600. The next year we came with an additional 500, and the next year with an additional 400 agents.

The Clinton administration has been dragged kicking and screaming to the border. They have opposed the border fence. I stand on the floor.

My last point is, even after they opposed the additional Border Patrol agents, President Clinton then sent his public relations people to San Diego to welcome the agents that he had opposed. If these people were just linked hands, all the Clinton public relations people, we would not need a Border Patrol because they would stretch across the entire State.

Mr. BRYANT of Texas. Mr. Speaker, I yield 10 seconds to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Speaker, I would say to my friend, the gentleman from California knows that no President has proposed more Border Patrol agents than this President. The Committee on Appropriations, not the authorizing committee, the Committee on Appropriations has funded those positions and more. He has signed those bills. We are doing more now than we ever did before.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. GALLEGGY], the chairman of the House task force on illegal immigration.

Mr. GALLEGGY. Mr. Speaker, I thank the chairman for yielding me this time.

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Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. GALLEGGY], the chair-
Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. NADLER].

Mr. NADLER asked and was given permission to revise and extend his remarks.

Mr. NADLER. Mr. Speaker, this bill, which contains some valid provisions to enforce our immigration laws, has been poisoned with unconscionable provisions that violate fundamental American values.

The bill would deny treatment to American citizens, denied a job because the Federal Government made a computer mistake, from recovering damages. This is outrageous and will result in Americans being denied jobs and having no recourse.

The agreement will undermine American family values by curtailing the ability of American citizens to sponsor the entry of family members into the community.

The bill exempts the Immigration and Naturalization Service from our environmental laws, even though none of these laws have ever hindered the enforcement of immigration laws.

The bill will send genuine refugees back to their oppressors without having their claims properly considered. If a person arrives at the border without proper documents, the officer at the border can send that person back without a hearing. Guess who cannot get proper papers? Refugees. A refugee cannot go to the Gestapo and KGB and say: I am trying to escape your oppression, please give me the proper papers so I can go to America. The bill gives judicial review for most INS actions. I just think, a Federal bureaucracy with no judicial accountability. When did the Republicans become such spirited advocates of unrestrained big government? No government should be allowed to act, much less lock people up or send them back to dictatorships, without being subject to court review.

Should we ensure that our immigration laws are respected and enforced? Of course. Do we need to undercut public health efforts, destroy our environment, and waste taxpayer dollars on foolish or dangerous enterprises in order to enforce our immigration laws? Of course not.

This bill is not a credit to this country. It Members stand up for American values and vote "no."

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. GILMAN], chairman of the Committee on International Relations.

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

Mr. GILMAN. Mr. Speaker, I support the passage of this important immigration conference report. The American people want and expect the Federal Government to do its job of controlling our borders. We have a strong obligation to protect our country from illegal criminal aliens, who prey on them with drugs, and other crime-related activity.

I am particularly proud to support this immigration bill which includes some of the strongest action against illegal drugs, the use of our National Guard in deporting illegal criminals involved in the deadly drug trafficking in our communities.

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Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Speaker, I rise in strong support of this conference report. Today when this bill passes, the American people will be able to judge for themselves who is on their side and who is for draining dollars meant for our people, draining those dollars away from American families and taking them and giving them to foreigners who have come to this country illegally.

We have had to fight for years, first through a democratically controlled Congress and now this administration which has fought us and dragged us by the feet every step of the way but we have finally got a bill to the floor.

Giving illegal aliens benefits that should be going to our own people is a betrayal of our people. People who are sick, they come to our borders. Yes, we care about them. I do not care if it is AIDS or tuberculosis. But if someone is sick and illegally in this country, they should be deported from this country to protect our own people instead of spending hundreds of thousands of dollars that should go for the health benefit of our fellow countrymen.

My provision helps do just that. Senator Dole has wisely urged an even greater role for our excellent National Guard already involved in the battle against illicit drugs. Today we provide our first opportunity for our Guard to do its job. Dole's wise call for additional Guard action. My other provision in the conference provides for criminal asset forfeiture penalties for visa and passport fraud and related offenses surrounding misuse or abuse of these key entry and travel documents.

Nine of the original indictable counts in the World Trade Center terrorist bombing involved visa or passport fraud. It was clear that those responsible for this, the most vicious terrorist blast. By this measure we have made those who would make and help create fraudulent visas and passports to promote terrorism and drug smuggling here at home, subject to even tougher penalties.

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Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. Bilbray] who actually lives on the border and faces the crisis of illegal immigration every day.

Mr. BILBRAY. Mr. Speaker, I rise in strong support of this conference report. I would like to thank Chairman SMITH and Chairman SIMPSON for the leadership they have shown on this bill. I would also like to commend Senator FEINSTEIN of California for her commitment to make the conference report a reality. We must encourage the President to sign it into law.

I think that the public is sick and tired of seeing the partisan fighting on important issues such as this. Senator FEINSTEIN had a major concern about one portion of the bill, part of the bill I feel strongly about, and that is the issue of the mandate of the Federal Government that we give free education to illegal aliens while our citizen and legal resident children are doing without. But, Mr. Speaker, this Member, and I think the American people, are not willing to kill this bill because of a single provision.

I think there are those who will find excuses to try to kill this bill and try to find ways not to address an issue that has been ignored for over a decade.

We must not forget that California has been disproportionately hit with paying $400 million a year in emergency medical care, $900 million for incarceration costs, and $2 billion in providing education for illegal aliens in our State.

Congress must still recognize that these are federally mandated costs and it is up to the Federal Government to either put up or shut up in ending these unfunded mandates.

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

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. McCollum], chairman of the Subcommittee on Crime.

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

Mr. MCCOLLUM. Mr. Speaker, I rise in support of this bill today. It is a very fine product. H.R. 2202 is a much needed boost to our efforts against illegal immigration.

Included in the bill are 5,000 new border patrol agents, INS agents to track alien smugglers and visa overstayers, more detention space for illegal aliens, and the list goes on and on.

I am most pleased that many of the asylum reform provisions that we have needed for years and I worked on with the gentleman from Texas for years are now in this bill. We have very generous asylum laws but now we are going to have provisions that make it a lot more difficult for somebody to come here and claim they have a fear of persecution if they are sent back here to their native country, when they really do not, and be able to overstays and stay and get lost in our country and never get kicked out. Instead we have got a provision that I think is very fair for summary and expedited exclusion which, by the way, is already law as a result of the antiterrorism bill earlier this year but which we are making more livable and a better product today.

Also we have in here some efforts to try to get document fraud under control. We lessen the number of documents used in employer sanctions where we attempt to cut off the magnet for jobs by a 1986 provision that makes it illegal for an employer to knowingly hire an illegal alien. There were far too many documents that could be produced to get a job. Now we have reduced that number to a manageable number.

What is left to be done is we need to find a way to get document fraud out of it. I think that some steps are taken in this bill, not enough, and I have introduced another separate piece of legislation that I think the Congress needs to pass, to make Social Security card much more tamper-proof than it is today.

We also have some provisions in here. I think are important with regard to Cubans, making the Cuban Adjustment Act to continue to operate and with regard to the expedited exclusion issue, we have made a special provision so that those Cubans who arrive by air are going to be not subject to that part of the legislation.

We have also taken care of student aid problems that were earlier in this bill, whereby if you are deemed to have the money value in your pocket of your sponsor, you no longer will be in the case of education, at least for student aid purposes, excluded from those benefits.

The bill is an excellent bill. I urge my colleagues to adopt it and we need to send it down to the President and get it put in.

Mr. BRYANT of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. Gutiérrez].

Mr. GUTIERREZ. Mr. Speaker, for generations immigrants have played a vital role in our economy, but today immigrants play the role of villain in the Republic's morality play. By exploiting a false image of millions of illegal immigrants crossing the border into the United States, Newt Gingrich and his particular provisions have crossed the border from decency to indecency.

After all, under this bill the simple idea of uniting with your closest family members will become a luxury that only the wealthiest will be able to afford. The Republicans say they want to get tough on crime, so how do they do that? Under this bill legal immigrants are deportable for the crime of wanting to improve their education by adding something to this country. That is right, under this bill if you are a legal immigrant and you use public benefits, including a student loan for more than a year, you are shown the door. What does that accomplish? It means that we throw our young people who are taking steps to gain an education and job skills and, yes, improve their English skills also. It means that this bill does not simply punish immigrants, it punishes all Americans who benefit from the contributions they make to our Nation. Let us defeat this sad, cynical, and shortsighted legislation.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. Horn].

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

Mr. HORN. Mr. Speaker, legal immigration, yes; illegal immigration, no. Californians and residents of other border states have been fighting illegal immigration for years. It took the current Republican majority to take a serious look at this issue. Do not listen to the charges of those who oppose this bill. It is not cruel to ask immigrants and their sponsors to live up to their obligations. It is not heartless to try to put some teeth in our immigration laws. It is a pretty sad day when you can jump a fence, have more rights in the State of the border than when you are coming through legally. We need to protect legal immigration.

Recently I held a hearing near the border. Our border in southern California is still a violation. They have simply moved the problem 40 miles east. They refuse to indict those that are coming over with drugs. And generally it is chaotic still. What it means, we have gained more congressional seats but that will not be solved by a bill east of California. I am sure. So I would hope we would have the help of our colleagues throughout this Chamber because this is a national problem, not just a Southwest, Southeast problem.

Mr. BRYANT of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. Richardson].

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

Mr. RICHARDSON. Mr. Speaker, I want to commend the chairman and the ranking member. They worked very hard with this bill. There are still some problems. The common perception is that once you get the Gallegly amendment out, the bill is OK. The problems are still there and more work is needed on this bill.

The Endangered Species Act, nobody has talked about it today, but it is part of this package. In other words, the Environmental Policy Act and the Endangered Species Act are waived if we are talking about construction of roads and barriers at the border. That is not right.

Mr. Speaker, this bill also rolls back three decades of civil rights policy by establishing an intent standard. It exacerbates the results and the effects of the welfare reform law but now it seems that we are castigating legal immigrants.

This bill includes back-door cuts in legal immigration by establishing a...
new income standard. It guts the American tradition we have always had to refugees by including summary exclusion provisions that are going to require instant return of any refugee.

Perhaps most importantly, what this bill does is it is tougher on legal immigrants and American workers than on illegal immigration. It makes life harder for American workers and easier for American businesses. Eliminations are provisions in the bill to increase the number of inspectors for the Department of Labor to enforce worker sanctions, the Barney Frank amendments that allowed us in the past to vote for this bill. This bill also strips authority from the courts with provisions that will eliminate the power of the courts to hold the INS accountable and eliminate protections against error and abuse.

I want to return to the Barney Frank provisions that allowed many civil libertarians, those concerned with civil rights, when we passed very tough employer sanctions in the old immigration bill, to support this bill because we knew there would be recourse if there was discrimination. All of these inspectors, all of these that enforce civil rights provisions are eliminated from this bill. That is a key component that is going to hurt American workers.

This bill eliminates also longstanding discretionary relief from deportation to American family members of immigrants being deported that you get no second chance. I know there are enormous pressures for dealing with illegal immigration bill. There are political pressures that are very intense. But we should not allow the politics and the fact that this is a wedge issue to prevent us from doing the right thing. The right thing is that this bill needs more work. We do want to have strong measures against illegal immigration. There are a lot of provisions in the bill that are good, that make sense. But the attack on legal immigrants, American workers, right now, is stronger than on illegal immigration. Therefore, I think that we should reject this bill. Give it one more shot.

There is additional time. I understand we will be in next week now. Let us do the right thing. Let us defeat this conference report.

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report under consideration.

Mr. Speaker, the SPEAKER pro tempore (Mr. Bilbray). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, several times today, various opponents have mentioned that we do not have in this legislation the Department of Labor inspectors.

Mr. Speaker, I want to remind them that they have already lost that argument twice. That provision was taken out on the House floor by amendment, and then subsequent to that we passed the House bill without those inspectors in it. That means two times it has come before this body and two times the Members have spoken.

The point is that we have already debated that, we have already voted.

The other thing about the inspectors that seems to be conveniently overlooked is that we have added an additional 900 inspectors, 300 each year for 3 years, and these are INS inspectors. It makes far more sense to have Immigration and Naturalization Service inspectors enforcing immigration laws than the Department of Labor.

And, Mr. Speaker, I also want to itemize some of the provisions that are in this bill that might have been overlooked.

We have heard tonight by Members on both sides of the aisle that this bill doubles the number of Border Patrol agents over the next 5 years. That is the largest increase in our history. It also streamlines the current system of removing illegal aliens from the United States to make it both quick and efficient.

It increases penalties for alien smuggling and document fraud.

It strengthens the public charter provisions and immigration laws so that citizens do not break their promise to the American people not to use welfare. It ensures that sponsors have sufficient means to fulfill their financial support obligation.

It also strengthens provisions in the new welfare law prohibiting illegal aliens from receiving public benefits, and it strengthens penalties against fraudulent claims to citizenship for the purposes of illegally voting or applying for public benefits.

Lastly, Mr. Speaker, I just want to say that I know my friend from Texas, Mr. BRYANT, opposes this bill, but I still want to say that he deserves public credit for many of the provisions still in the bill that would consider beneficial, even if he does not consider the entire bill beneficial.

Mr. Speaker, I just want to continue the comments I was making a while ago and express to the gentleman from Texas [Mr. BRYANT] my appreciation for his constructive role in the process. Even if he cannot support the entire bill, he has played a significant role in getting us to this point, and especially at the beginning when he was a co-sponsor of this bill.

Lastly, Mr. Speaker, I want to make the point once again that the opponents who we are hearing from this afternoon do not represent a majority of their own party. They certainly are entitled to try to kill this bill or block the bill or defeat the bill, but we have every right, those of in the majority, to try to pass this legislation.

The reason I say that they do not even represent a majority of their own party is simply because every major provision in this conference report, which is itself a compromise, is the result of either the House passage of the bill which passed by 333 to 87, or the Senate immigration bill which passed by 90 to 9.

So there is wide and deep bipartisan support for the provisions in this bill, and I expect to see that bipartisan support continue when the bill comes on a conference report.

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

Mr. BRYANT of Texas. Mr. Speaker, I yield myself such time as I may consume, only to say that I once again take issue with this characterization of the bill. This is not the bill that the House voted on; it is not the bill that was voted on. In fact, the Republicans spent 4 months behind closed doors cooking up so it would serve their electioneering and political interests this year.

The fact of the matter is that this bill now does not have wage and hour inspectors in it which are necessary, it does not have the subpoena authority for the Labor Department which is necessary, it does not have the requirement that employers participate in the verification project. In other words, they have done exactly what the employers wanted them to do so that the draw of illegal aliens into this country, which is to get a job, has not been effective.

Oh, yes, we are talking about more people on the border if the Committee on Immigration goes along with this. That sounds good. I am certainly for that. But the only way we are ever going to solve this problem is to deal with the fact that there are people out there who habitually hire illegal aliens and we have, many, many inspectors in the House committee, had many, many inspectors in the House committee version, the 150. We had 350 in the Senate bill. They are gone. Of the enhanced penalties that we had in the bill, the enhanced penalties that we had in the bill so that habitual offenders would suffer for their acts have now been removed.

Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. Frank].

Mr. FRANK of Massachusetts. Mr. Speaker, the chairman of the sub-committee has given the perfect rationale for voting against the bill and for our motion to recommit. He says many of these provisions are here in part, because of the gentleman from Texas, the ranking member. That is exactly right, and if this bill had only those provisions, it would not be controversial. He has conceded the point.
There is a core of agreement on measures to restrict illegal immigration that would not be controversial.

But here is what happens, and people should understand people sometimes think the party does not mean anything. Yes, party control means something. The Republicans are in control of this Congress. That means their ideological agenda and the interest groups that they are most interested in get served.

What that means is that we do not get a chance to vote just on the bill dealing with illegal immigration. It comes with illegal immigration and an unbreakable format, a conference I have never seen before, where the chairman just decided no amendments would be allowed because he is afraid to have his members vote on these things.

Other provisions are there. Well, what are the other provisions? One provision reaches back to antidiscrimination. Employers would be allowed to refuse to hire illegal immigrants. We have said that we feared, when we put employer sanctions into the law, that this would lead to discrimination against people born in America who were of Mexican heritage, and they are wrong. "You're right; it's happened." What they have done in this bill is to reach back to that section not otherwise before us and make it much harder for us to protect those people against discrimination.

There is a provision to recommit to undo that. My colleagues could vote for the recommit and it will not effect their commitment on illegal immigration.

With regard to the people with AIDS, that is a provision that was in neither bill. The gentleman from Texas who does not want to defend things on the merits says, "Well, the majority is with me." Well, that was not in the House bill, and it was not in the Senate bill.

I believe we have a recommit to undo that. My colleagues could vote for the recommit and it will not effect their commitment on illegal immigration.

What this bill does is to weaken our enforcement powers against those who employ people who are here illegally and then, serving the Republican ideological agenda, says "If you're here illegally and you have AIDS, you may die if you want Federal funds because you will get none. If you are a Mexican-American born here, we will make it easier for people to discriminate against you and will have a recommit to undo that. My colleagues could vote for the recommit and it will not effect their commitment on illegal immigration.

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The State that has been impacted and sometimes devastated by a lack of a national immigration policy.

I notice we have some reforms in here, and there are some good reforms. We are doubling the number of Border Patrol, but also in this we are also restricting some payments, some benefits, to illegal aliens, and we should go even beyond that.

But I tell my colleagues that unless we enforce the benefits, unless we demagnetize the magnet that is attracting these folks to come to our shores—we can put a Border Patrol person every 10 yards across our border, and we will not stop the flow because people will come here because of the attraction of the benefits.

How incredible it is that we debate whether we give education benefits or medical benefits and legal benefits and housing benefits and other benefits to legal aliens and even illegal aliens in this country when we do not give the same benefits in this Congress, and that side of the aisle has denied them to our veterans who have served and fought and died for this country in many cases, or their families, and to our senior citizens. So this is a much larger debate.

Finally, my colleagues, we must have a President who will enforce the laws, and we have not had a President who will enforce the immigration laws, and we have a new policy every day, and we cannot live that way.

Mr. TORRES. Mr. Speaker, I rise to voice my strong opposition to this so-called immigration reform bill. There must be some confusion over what immigration actually means, over what immigration actually is. The dictionary defines immigration as "coming into a country of which one is not a native resident."

Basic logic tells us that any attempt to reform immigration should address those issues that directly relate to immigration: strict border control, effective verification of citizenship, and penalizing those businesses and individuals who knowingly employ undocumented immigrants.

Most Americans would agree with those goals. But this bill goes way beyond these sensible, logical goals. Instead, it attacks the very principles that this country was founded on. America's Founding Fathers built this country on the principles of fairness and equality, on honoring the law and creating safeguards against any kind of discrimination. Throughout history, our country has welcomed those immigrants who play by the rules, pay their taxes, and contribute to our cherished diversity.

But this bill ignores those traditions and attacks the very people who we say are the very best in our country. Most legal immigrants work hard for low to moderate wages, with little or no benefits from their employers, and we have not had a President who will enforce the current immigration requirements and citizenship verification. Employers would be allowed to exploit workers by weakening civil rights protections and gutting wage and labor enforcement.

This bill is not about immigration reform; it's about punishing women and children who play by the rules and represent the very best in our country. Most legal immigrants work hard for low to moderate wages, with little or no benefits from their employers, and we have not had a President who will enforce the current immigration requirements and citizenship verification. Employers would be allowed to exploit workers by weakening civil rights protections and gutting wage and labor enforcement.

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that worker will be deported. Never mind that he has been paying taxes for the past few years. Suddenly, it just doesn't matter that he has contributed to our economy and has followed our laws.

It doesn't stop there. It isn't just the worker. It's his family, his children. If his child needs medical care and he can't pay, his tax money suddenly isn't available. This bill sends the child to school sick, with the fear of deportation always looming in the background.

Legal immigrant children must have their sponsor's income deemed for any means-tested program. This effectively bars these children from child care, Head Start, and summer jobs and job training programs.

What does reducing a legal resident's access to health care and Federal benefits have to do with restricting illegal immigration? I would argue—nothing. Absolutely nothing. Because this is not immigration I would argue—nothing.

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Legal immigrant children must have their sponsor's income deemed for any means-tested program. This effectively bars these children from child care, Head Start, and summer jobs and job training programs.
Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The motion to recommit.

Mr. BRYANT of Texas. Mr. Speaker, I offer a motion to recommit. The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. BRYANT of Texas. Yes, I am, Mr. Speaker.

The SPEAKER pro tempore. The motion to recommit. The Clerk will report the motion.

The Clerk reads as follows:

Mr. BRYANT of Texas moves to recommit the conference report on the bill H.R. 2202 to the committee of conference with instructions to the managers on the part of the House to take all of the following actions:

1. ENHANCING ENFORCEMENT OF PROTECTIONS FOR AMERICAN WORKERS. (A) Recede to (and include in the conference substitute) the provisions of sections 105 of the Senate Amendment (relating to increased personnel levels for the Labor Department).

(B) Recede to (and include in the conference substitute) section 120A of the Senate Amendment (relating to subpoena authority for cases of unlawful employment of alien document fraud).

(C) Recede to (and include in the conference substitute) section 119 of the Senate Amendment (relating to enhanced civil penalties if labor standards violations are present).

2. PRESERVING SAFEGUARDS AGAINST DISCRIMINATION. (A) Disagree to (and delete) section 421 (relating to treatment of certain documentary practices as unfair immigration-related employment practices) in the conference substitute and insist, in its place, and include in the conference substitute, the provisions of section 407(b) (relating to treatment of certain documentary practice as employment practices) of H.R. 2202, as passed by the House of Representatives.

(B) Disagree to (and delete) section 633 (relating to authority to determine visa processing procedures) in the conference substitute.

(C) Insist that the phrase "(which may not include a finding that the test person has acquired immune deficiency syndrome)" be deleted each place it appears in sections 501(b)(4) and 552(d)(2)(D) of the conference substitute and in the section 213A(c)(2)(C) of the Immigration and Nationality Act (as proposed to be inserted by section 551(a) of the conference substitute).

3. PRESERVING ENVIRONMENTAL SAFE-GUARDS.—Disagree to (and delete) subsection (c) of section 102 (relating to waivers of certain environmental laws) in the conference substitute.

Mr. BRYANT of Texas (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit. There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

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

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

The Sergeant at Arms will notify absent Members.

Pursuant to the provisions of clause 5 of rule X, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device if ordered, will be taken on the question of agreeing to the conference report.

The vote was taken by electronic device, and there were—yeas 179, nays 247, not voting 7, as follows:

[Roll No. 431]

YEAS—179

Bilbray

Bilirakis

Bishop

Bolwerk

Boehner

Bonilla

Bono

Bowen

Brownback

Bryant (TN)

Bunn

Burr

Butler

Calder

Calvert

Canady

Castle

Chambliss

Chenoweth

Chu

Chrysni

Chrysler

Clement

Clinger

Cole

Collins (GA)

Combest

Conder

Connelly

Cordes

Conyers

Costello

Coyne

Cummins

Danner

de la Garza

deLaurio

del Toro

delz Huet

Dengler

Dicks

Dingell

Doyle

Durbak

Edwards

Engel

Eshoo

Evans

Farr

Fattah

Fazio

Fields (LA)

Filer

Flake

Flanagan

Foglietta

Ford

Frank (MA)

Frost

Furse

BAESLER

BAUSCH

Baker (CA)

Baker (LA)

Baine

Bak

Barrett (NE)

Bartlett

Barton

Army

Bas

Batem

Beaure
The SPEAKER pro tempore (Mr. Riggs). The question is on the conference report.

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

RECORDED VOTE

Mr. SMITH of Texas. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This vote will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 305, noes 123, not voting 6, as follows:

[Roll No. 432]

AYES—305

BARTLETT Insoglio Kollenbrenner

BARTON Everett Kolbe

BAKER (LA) Dunnich Kline

BAKER (MA) Thompson

BAKER (CA) Johnson

BAXTER Fawel Largent

BEATTY Faith Lisa

BERGER Fields (TX) LaRue

BİLLSIS Flanagan Laughlin

BILBRAY Foley Lazio

BILIRIKIS Forbes Leach

BISHOP Fowler Lewis

BOSLEY Fields (CA) Lewis (CA)

BOEHLER Franklyn Linder

BOEHNER Frelinghuysen Lipinski

BONILLA Fuster Lobo

BONUCCI Funderburk Livingston

BREWSTER Gallegly Longley

BRADY (OH) Lucas

BRADY (PA) Kehoe

BREWER Gallegly Longley

BROWN (FL) Geren Manton

BROWN (GA) Cleland Manzullo

BRYANT (TN) Gillmor Martinez

BUNNING Gillman McCarthy

BURNING Gingrich McCollum

BURTON González McCrery

BOGGS Goodlatte McIntosh

BOLIVAR Gordon McHugh

BOLIN McCullon McGovern

BOND McCarthy McGovern

BONNIE McGovern Meyers

BOBBY Gundersen Mica

CHAMBLISS Gutierrez Miller (FL)

CHAPMAN Hall (OH) Minge

CHENOWETH Hall (TX) Molinar

CHRISTENSEN Hamilton Montgomery

CHRYSLER Hancock Moon

CLINTON Hare McNulty

CLOWBY Hastert Myers

COBB Hays Nethercutt

COBB (GA) Hayworth Neumann

COMBEST Hefley Ney

CONDIT Heffner Norwood

COOLEY Herger Nussle

COSTELLO Hillary Obey

COX Hinchey Osteen

CRAMER Hobson Oxley

CRANE Hoekstra Packard

CRAPSE Hoke pallone

CREAMEANS Holden Parker

CUBIN Horn Paxton

CUMMINGS Hostetler Payne (VA)

DANNER Houghton Peterson (MN)

DAVIS Hoyer Petri

DEAL Hunter Pickett

DEFazio Hutchinson Pombo

DELOAY Hyde Pomery

DEUTSCH Inglis Porter

DICKEN Issok Portman

POSHARD Shays Thurman

Pryce Shuster Tiahrt

Quillen Siskiyou Torrijos

Radanovich Skelton Traffante

Ramstad Sluautra Upton

Reed Smith (MI) Visclosky

Regula Smith (NJ) Volker

Riggs Smith (TX) Weldon (FL)

Roberts Smith (VA) Weldon (PA)

Roemer Solomon Walsh

Rogers Souder Wamp

Rohrabacher Spencer Ward

Roukema Stearns Weldon (CT)

Royce Stenholm Whitfield

Salmon Stockman Wheller

Sanford Trone Whitten

Saxton Traficant Wicker

Scarborough Tate Wolf

Schaff Schuette Young (AK)

Seastad Taylor (MS) Zelliff

Shadegg Thomas Zimmer

Shaw Thornberry

NOES—123

Abercrombie Gephardt Young (AZ)

Ackerman Gutierrez Zoll

Baldricki Hastings (FL) Zoumbos

Barker (MD) Hillard Zeidler

Becerra Jackson (CA) Zelaya

Belleson Jackson (Texas) Zepeda

Berman Jacobs Zeleny

Blumenauer Jefferson Zhou

Bonior Jesse Richardson

Borski Johnson, E. B. Ricks

Brown (OH) Johnson, E. B. Ryan

Bryan (TX) Kaptur Zoellick

Burke (ND) Kenworthy Zoumbos

Clay Kelly Zoumbos

Coleman King

Collins (IL) Kieckhafer

Collins (MI) Laidlaw

Conger Lamont

Coyne Lewis (GA)

Cummings Logan

de la Garza Lowery

Delauer Maloney

Dellums Markay

Diaz-Balart Martinez

Dingell Matsui

Dixon McDermott

Doggett McKinney

Durbin McMillan

Engel McFadden

Eshoo Meek

Evans Mendendez

Farr Millender

Fattah Miller (PA)

Filner Molina

Flake Moakley

Foglietta Molin

Ford Morella

Frank (MA) Nadler

Frost Neal

Gejagensen Oberstar

NOT VOTING—6

Gibbons Lincoln Peterson (FL)

Heineman Mica Wilson

McInnis. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 530 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 530

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3435) to amend the Immigration and Nationality Act to authorize States to deny public education benefits to aliens not lawfully present in the United States who are not enrolled in public schools during the period beginning September 1, 1996, and ending July 1, 1997.

The bill shall be debatable for one hour equally divided and controlled by the chairperson and the ranking minority member of the Committee on the Judiciary or their designees. The previous question shall be considered as ordered on the bill to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore (Mr. Chambliss). The gentleman from Colorado [Mr. McInnis] is recognized for 1 hour.

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

Mr. Speaker, House Resolution 530 is a simple resolution. The proposed rule is a closed rule providing for 1 hour of general debate divided equally between the chairman and the ranking minority member of the Committee on the Judiciary or their designees. Finally, the rule provides for one motion to recommit.

House Resolution 530 was reported out of the Committee on Rules by a voice vote.

Mr. Speaker, we are all very familiar with the issue addressed in the underlying legislation. During consideration of the comprehensive immigration bill, the gentleman from California [Mr. GALLAGHER] offered an amendment which was adopted by a record vote of 257 to 163. The Gallegly amendment allowed States the option of providing free education benefits to illegal
aliens. Because the President threatened to veto the immigration conference agreement if it contained the Gallegly amendment, even in a modified form, the modified form of the Gallegly amendment has been introduced as stand-alone legislation, H.R. 4134.

H.R. 4134, unlike the original Gallegly amendment, will ensure that it impacts only prospective illegal immigrant students. The grandfather provision provides that a State must provide free public education through grade 12 to aliens enrolled in any public school at any time during the current school year.

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

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

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

Mr. Speaker, the Republican majorities seem to have no shame when it comes to playing political games. The fact that this House is being asked, at what seems to be the 11th hour of this Congress, to consider this very bad bill—and under a closed rule—that’s really beside the point. The fact is the school districts of this country have looked at this problem and have opposed us every step of the way, and in the Clinton administration, have their priorities all screwed up.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. BRYANT].

Mr. BRYANT of Texas. Mr. Speaker, we began considering immigration legislation after the Jordan Commission gave us a report outlining the problems and proposing to us a set of bipartisan solutions. In no part of the Jordan Commission report, or in any other study, for that matter, that is credible, has anyone that has looked at this problem has said this is a mistake.

Do not be led by hot rhetoric on the part of those who see a political opportunity, in my view, to make people think that somehow this is a solution. Instead, be guided by common sense. There will be no impact on illegal immigration if this passes. There will be an impact on our communities because notwithstanding the attempts to water it down, the fact is the school districts would have to check the citizenship of every single child. They do not have the resources to do that. And if there is one child in a family that cannot come to school, none of them will come to school. We need every kid out there being in school.

The solution to stopping illegal immigration is to stop employers from hiring illegal immigrants and to stop illegal immigrants at the borders. Leave these kids alone.

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

I think initially here it is clear that the discussion that is going to take place over the period of time that has been allotted to us to debate the rule is going to get into the substantive issues of the bill, so I think it is important that we address what the gentleman from Texas has just said.

First of all, remember that this bill allows every State to make their own decision. This is not a mandate upon the States, Mr. Speaker. In fact, this bill takes the mandate off the States that is not being paid for by the Federal government.

What happens right now is Washington, DC, has gone to the States and said, we know what is best for you and we want you to pay for it. And Washington, DC, has said to States like Texas or to States like Colorado, you pay 95 percent of the tab, we are going to force you to put these kids into your school.

All this bill simply does is to say to the State of Texas or says to the State of Colorado, you now have the option. If you want to undertake this Federal mandate and pay for 95 percent of the cost, then you may choose to do so.

This does not prevent the State of Texas from continuing to educate the children of illegal aliens, and I think it is clear that we justify that substance.

Mr. BRYANT of Texas, Mr. Speaker, will the gentleman yield?

Mr. MCINNIS. I yield to the gentleman from Texas.

Mr. BRYANT of Texas. Mr. Speaker, I thank the gentleman for yielding. I would just pose this question. Does the gentleman think the States should be given the power to decide whether or not the schools should be integrated?

Mr. MCINNIS. Mr. Speaker, reclaiming my time, I would respond to the gentleman’s question by saying, does he think the States should pick up 95 percent of the cost?

Mr. BRYANT of Texas. Answer my question first.

Mr. MCINNIS. I yield to the gentleman to respond to mine.

Mr. BRYANT of Texas. Well, I asked a question of the gentleman: Does he think the States should have the power to decide whether or not the schools are going to be integrated?

Mr. MCINNIS. Let me say I think every State has a right to determine whether or not the Federal Government can mandate upon them an expenditure of which they pay 95 percent, as the gentleman just heard from the gentleman from California. It is an extensive expense in the State of California.

So the answer is, yes, I do think that States should have the right to determine their own future, especially when
it comes to an issue as important as education.

Now, would the gentleman respond to my question? Should the States respond to 95 percent of the tab or would the gentleman be willing to have the Federal Government pay for what it mandates?

Mr. BRYANT of Texas. In fact, the Federal Government ought to pay the full cost of it. The bill included that but the Republicans took that out of the bill. Well, they're wrong.

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

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank my colleague, the gentlewoman from Texas, for yielding me this time and for his kindness.

I think it is quite misrepresenting to all of us to put this smoke-and-mirror legislation on the floor of the House. There is no one that does not agree that we want to be fair to all of America. As a matter of fact, a lot of people want to be fair to our children and fair to our communities and how they hold the responsibility of educating our children. But I take great issue with someone who comes on the floor of the House to say that we need to be taking care of our American children. We need to be taking care of the children of the United States. I say to my colleagues that these are children of the United States. And I agree with the gentleman from Texas, we can help fund those States that have serious problems with overburdening of children in their school systems; but what about the child that comes over that is 9 months old? They are still in this community, this State, when they are 9 months old. Are we going to deny them the right to a public education, an education that has been considered part of our basic human rights as signed by many countries around the world?

What about if there is a family that has a child that is a citizen and one that is not a citizen? How do we respond to educating one child and not the other?

And then my Republican friends talk about crime. They want to repeal the Brady bill, has a lot to do with who pays the bill.

If we want to talk about smoke and mirrors, the smoke and mirrors in this situation is where Washington, DC, which by the way think they have a monopoly on common sense, reaches beyond the Washington, DC, city limits and says to the rest of the country, we mandate upon you that you will educate these children. I yield.

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

Mr. MCINNIS. No, I will not yield.

The gentlewoman can request time, however, from the gentleman from Texas.

Ms. JACKSON-LEE of Texas. I would like the gentleman to yield on the point—

Mr. MCINNIS. I am sure he would be happy to yield to the gentlewoman. But, in fairness, both of us have an equal amount of time, and she can do that.

Ms. JACKSON-LEE of Texas. I thank the gentleman for his kindness.

Mr. MCINNIS. Mr. Speaker, my point here is that the Federal Government wants to put this burden, if Washington, DC, wants to force the States in this country to accept this demand, then the Federal Government ought to pay for it.

We know what happens. The Federal Government comes into Colorado, for example, mandates this program, demands that Colorado institute it, demands that Colorado pay 95 percent of it, and what does it do? It dilutes that money. It dilutes the money that needs to go to these children.

So, in summary, let me say I think that the gentlewoman's speech, while it was well spoken, certainly does not allow the gentlewoman to claim the guardianship of children in this country.

I think we have to address the real substance of this bill, and the real substance of this bill is to allow the States to make their own decisions.

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

Ms. JACKSON-LEE of Texas. I thank the gentleman. I wanted to respond if he would have yielded.
legal and illegal immigrants going to school there. But under the existing law that this body talks about, and we talk among ourselves, and this is not where the message is we need to send, we need to send it out there, it is illegal to enter the country illegally and go to school for free in San Francisco. But if someone crosses the border illegally, then they have the guaranteed right from the government for a free education.

And for those individuals who say this has nothing to with people coming here illegally, we have documents showing, in fact testimony that showed up in the paper where an illegal woman was caught at the border with three letters form a school district that said your children will get a free education even if you are here illegally.

Now, Mr. Speaker, in the words of this lady, she said, want us here. You want us to come here illegally. You would not reward us and give us free education.

Mr. Speaker, the message that needs to be sent not here in these Chambers but to the rest of the world and America, is that, no, the days of encouraging illegal immigration is over. We are not going to reward people for breaking the law. We are going to punish those who play by the rules and reward those who break the rules.

I would ask every Member to consider the fact that 4062 says let us reimburse for the cost if we do not want to drop the man.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from North Dakota [Mr. POMEROY].

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

Mr. Speaker, I voted for the preceding legislation to come to this floor because I believe it is appropriate to toughen the Nation’s response to illegal immigration. But as to the matter that this rule would present before the House, I take a very serious exception. I think it is time that we just step back a minute, take a deep breath and think about what we are doing here.

Do any of us possibly think that the illegal activity of a parent ought to be taken out on the kid? I think if any of us were asked that question, we would say, of course not. You cannot hold the kid, the little kid responsible for the illegal acts of the parent.

That is precisely, however, what the bill this rule would bring to the floor would allow. In fact, the scenes that I would create are horrible to contemplate. I envision education officials, maybe even INS officials, going down the rows of first grade classes trying to single out whether Johnnys stays, this one leaves and I just think it is, it would be horrifying. Imagine the scene when those of us who have children in grade school, what they would think of a little boy or a little girl pulled out of their chair, hauled out of class crying because they are being sent out of school. That is not something that ought to occur in any classroom in any public school in the United States of America.

We think about the family friendly Congress would send a 6-year-old home to a house that may there is no one there because both parents are working, but there is nowhere for that 6-year-old to go because they are holding that 6-year-old responsible for the illegal acts of the parent.

We worry about gangs and juvenile crime, yet this would take those young people that want to learn and put a bar in front of the schoolroom door, leaving nothing but gangs and street corners and idle time that would in all likelihood be the result of barring these people from the opportunity to pursue an education.

Then finally I worry about the implementation of this strategy because how do we track the rules to sort the legal from the illegal when you are looking at first graders.

The thing that comes to my mind is those that look a little different. I am the adoptive parents of two children of different races, and I can't stand up here and say that this bill would allow all States full discretion in the way they want to handle the public education of illegal immigrants.

We worry about gangs and juvenile crime.

...
choice. We may not be provided a guarantee to a free public education. It eliminates that guarantee after July 1.

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

Mr. GALLEGY. Mr. Speaker, I yield to the gentleman from Colorado.

Mr. MCINNIS. Mr. Speaker, I would like to ask the gentleman, it takes away that entitlement, but it allows every State to have what options?

Mr. GALLEGY. It allows the States to continue to educate anyone they want, legal or other wise. The only thing that it does do is after 1997, it puts those illegally entering this country on notice that they may not be provided a guarantee to a free public education in the State of their choice.

Mr. MCINNIS. Which is exactly what we are saying here; that is, the States now will have this option, where before they had to pay the bill and had no option even to debate this within the boundaries of their own State.

Mr. GALLEGY. Absolutely. One point I think is very important to further note. This does not turn any school teacher into a border patrol agent or a law enforcement person. All it does is provide the person that enroll is the beginning of the year the same right of asking to verify what their status is in this country as they verify immunization records, as they verify residency, and so on, to determine whether they live on the right side of the street or whether they go to this school or that school. This does make any student into removing any body from school now or in the future.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from California.

Mr. BERCERA. Mr. Speaker, first let me respond to the issue of no costs would be involved if this legislation were passed. Let us just debunk it right now because if there were no costs involved, then you would not have organizations like the California School Board Association that represents every single school board in California opposed to this legislation. Let us get back to those law enforcement agencies in this Nation opposing this particular legislation. You do because they know the costs would be tremendous, tremendous to the schools because someone would have to administer it, tremendous for law enforcement agencies, and we have to watch those kids that would not be in school but on the street. Those organizations know what happens in real life practical terms and they are opposed to it.

We can say all we want, but until you are going to put some money where your mouth is, it is going to cost and someone will pay and the locals will have to pay the price.

Mr. GALLEGY. It is not based on broad social theory. But we do clearly object to denying any child access to schools and education within our borders regardless of origin. We base our position on immediate pragmatic concerns that can only come from collective years on the streets of America. How can anyone advocate throwing thousands of children onto the streets without supervision where they will become both victims and criminals? Local law enforcement officers, our members will be overwhelmed at a time when we can ill afford the extra pressure.

That is, as I said, the International Union of Police Associations, CLEAT, the Combined Law Enforcement Association of Texas, says:

Numerous officials and organizations within the law enforcement community have contacted the National and other congressional committees in a unified position of opposing the Gallegly bill. This issue as we see it is very simple. We maintain that every child's right to receive an education. Legislation that promotes the notion of keeping children out of school is only going to act as another avenue of increasing the already unacceptable practice of placing more children on the streets.

I could go on and on. The city of Elmhurst in Illinois, the National Association of Police Organizations, which contacted 385,000 law enforcement officers and 3,500 police associations, opposed to this bill. The Sioux City, 1D, police chief, the city of Chicago's police chief, the city of San Jose's police chief. The 47 Senators, Democrat and Republican, who signed a letter asking that the Gallegly bill be defeated. It goes on and on and on.

Let us be real. We can set policy in this Chamber, but we can talk politics. This was a measure, an amendment that was passed by an overwhelming vote and the immigration bill that we just voted on that passed by a pretty wide margin. It was pulled by the Republicans yesterday. Why? Because they were afraid it would jeopardize the entire immigration bill. Now we have it. Miraculously, in less than a day we have a bill go from inception to the floor.

Folks, understand this, whether you are on this floor getting ready to vote on what this bill is or voted on the floor, this is a bill that is on the floor being debated today when we have hundreds of other bills that will never be heard because we are about to end the session that went from nothing, because it was not a bill we were considering, to all of a sudden we debated it and debated it in the House. It did not go through the Committee. It never was heard in the Committee on jurisdiction. But here it is being debated on the House floor. We could have debated it in the immigration bill that we just passed, but it was pulled because there were some discussions that had been taking place over the last several months.

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

Mr. BERCERA. Mr. Speaker, I thank the gentleman from Colorado for yielding.

Mr. GALLEGY. Mr. Speaker, I yield 30 seconds to the gentleman from California.

Mr. BERCERA. Mr. Speaker, I thank the gentleman from Colorado for yielding.

Mr. MCINNIS. Mr. Speaker, point of personal privilege. I believe the gentleman said—

The SPEAKER pro tempore. The gentleman may not raise a point of personal privilege.

Mr. BERCERA. Mr. Speaker, point of personal privilege. I believe the gentleman said—

The SPEAKER pro tempore. The gentleman may not raise a point of personal privilege.
Mr. McINNIS. Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. GALLEGLY].

Mr. GALLEGLY. Mr. Speaker, I thank the gentleman from California for yielding this time to me.

I would just like to respond to my good friend's, the gentleman from California [Mr. BÉCERRA], comments, and he is a good friend. We agree to disagree on many things, and this happens to be one of them.

He mentioned the list of people that were opposing this provision. Let me give my colleagues a list of some of those, a partial list, that are supporting it: Fraternal Law Enforcement, California, Arizona chapters; Law Enforcement Alliance of America, the largest law enforcement organization in the Nation; Hispanic Business Round Table; Republican Governors Association; National Taxpayers Union; Americans for Tax Reform; Traditional Values Coalition; Eagle Forum; the Congressional Task Force on California; and on and on and on.

Mr. McINNIS. Mr. Speaker, we are prepared to yield back the balance of our time if the gentleman from Texas would like to do so.

Mr. FROST. The gentleman has no more speakers?

Mr. McINNIS. We are prepared to yield back this time.

Mr. FROST. At this point then, Mr. Speaker, we yield back the balance of our time and ask for a no vote on the rule.

Mr. McINNIS. Mr. Speaker, I yield back the balance of time, urge a yes vote, 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.

Mr. GALLEGLY. Mr. Speaker, pursuant to House Resolution 530, I call the bill (H.R. 4134), to amend the Immigration and Nationality Act to authorize States to deny public education benefits to aliens not lawfully present in the United States who are not enrolled in public schools during the period beginning September 1, 1996, and ending July 1, 1997, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of H.R. 4134 is as follows:

H.R. 4134

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

SECTION 1. AUTHORIZING STATES TO DENY PUBLIC EDUCATION BENEFITS TO CERTAIN ALIENS NOT LAWFULLY PRESENT IN THE UNITED STATES.

(a) IN GENERAL.—The Immigration and Nationality Act is amended by adding after title V the following new title:

The SPEAKER pro tempore. The time of the gentleman from California [Mr. GALLEGLY] has expired.

Mr. BECERRA. Mr. Speaker, I thank the gentleman from California for yielding for a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from California [Mr. GALLEGLY] has expired.

Mr. GALLEGLY. Mr. Speaker, I yield to the gentleman from California.

PARLIAMENTARY INQUIRY

Mr. BÉCERRA. Mr. Speaker, I thank the gentleman from California for yielding for a parliamentary inquiry.

The SPEAKER pro tempore. The time of the gentleman from California [Mr. GALLEGLY] has expired.

Mr. GALLEGLY. To yield for a parliamentary inquiry.

Mr. GALLEGLY. Mr. Speaker, will the gentleman yield? I just want to respond to one comment.

Mr. BÉCERRA. I yield to the gentleman from California if it is a brief comment.

Mr. GALLEGLY. Mr. Speaker, when the gentleman said we have not had an opportunity to debate this, I would remind the gentleman that we debated this for 2 hours on the floor of this House, which is a bigger committee and a broader committee than any individual committee. It was debated; it was included in the bill; it passed by a 100-vote margin on a bipartisan level; it was taken out at the conference committee level.

So with all due respect to my good friend from California, this bill has had the attention, and for the sake of expediting the overall bill, I suggested that we go on. That is the reason it came. This is where it should be.

Mr. BÉCERRA. Mr. Speaker, I appreciate the comments of the gentleman from California. He is correct that it was debated on the floor, never having gone through committee, but it did get debated on the floor.

I will say this. While it got debated on the floor, at least it came up through the process of the immigration debate. This came up as a result of having been extracted from an immigration bill. We could have debated it in the bill that just took place, because it was there, Mr. GALLEGLY. The gentleman and I know it. It was taken out, for whatever reason.

Mr. GALLEGLY. If the gentleman would yield, we did not want to give our President an excuse to kill a very important bill.

Mr. BÉCERRA. He is still going to, I hope, veto this. But the point remains that back when we debated it earlier and today, law enforcement organizations, the school board associations, a lot of folks are saying this is not a practical bill, this is not a way to go, it is not only going to deny kids an education, but it is going to put kids on the street to either be victims of crime and perhaps even be criminals themselves, and for that reason my colleagues continue to see objections from the folks who will have to administer this.

It is not a good piece of legislation, and it should be defeated for those reasons, least of which are the procedural matters, which I believe violate the spirit of democracy.

Mr. McINNIS. Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. GALLEGLY].

Mr. GALLEGLY. Mr. Speaker, I thank the gentleman from California for yielding this time to me.

I would just like to respond to my good friend's, the gentleman from California [Mr. BÉCERRA], comments, and he is a good friend. We agree to disagree on many things, and this happens to be one of them.

He mentioned the list of people that were opposing this provision. Let me give my colleagues a list of some of those, a partial list, that are supporting it: Fraternal Law Enforcement, California, Arizona chapters; Law Enforcement Alliance of America, the largest law enforcement organization in the Nation; Hispanic Business Round Table; Republican Governors Association; National Taxpayers Union; Americans for Tax Reform; Traditional Values Coalition; Eagle Forum; the Congressional Task Force on California; and on and on and on.

Mr. McINNIS. Mr. Speaker, we are prepared to yield back the balance of our time if the gentleman from Texas would like to do so.

Mr. FROST. The gentleman has no more speakers?

Mr. McINNIS. We are prepared to yield back this time.

Mr. FROST. At this point then, Mr. Speaker, we yield back the balance of our time and ask for a no vote on the rule.

Mr. McINNIS. Mr. Speaker, I yield back the balance of time, urge a yes vote, 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.

Mr. GALLEGLY. Mr. Speaker, pursuant to House Resolution 530, I call the bill (H.R. 4134), to amend the Immigration and Nationality Act to authorize States to deny public education benefits to aliens not lawfully present in the United States who are not enrolled in public schools during the period beginning September 1, 1996, and ending July 1, 1997, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of H.R. 4134 is as follows:

H.R. 4134

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

SECTION 1. AUTHORIZING STATES TO DENY PUBLIC EDUCATION BENEFITS TO CERTAIN ALIENS NOT LAWFULLY PRESENT IN THE UNITED STATES.

(a) IN GENERAL.—The Immigration and Nationality Act is amended by adding after title V the following new title:
"TITLE VI—AUTHORIZING STATES TO DISQUALIFY CERTAIN ALIENS NOT LAWFULLY PRESENT IN THE UNITED STATES FROM PUBLIC EDUCATION BENEFITS

"CONGRESSIONAL POLICY REGARDING INELIGIBILITY OF ALIENS NOT LAWFULLY PRESENT IN THE UNITED STATES FOR PUBLIC EDUCATION BENEFITS

"Sec. 601. (a) STATEMENT OF POLICY. — Because Congress views the right to a free public education as a fundamental one, the presence in the United States of aliens who are not lawfully present in the United States promotes violations of the immigration laws and because public education for such aliens creates a significant burden on States' economies and depletes States' limited educational resources, Congress declares it to be the policy of States that—

'(1) aliens who are not lawfully present in the United States are not entitled to public education benefits in the same manner as United States citizens, nationals, and lawful resident aliens; and

'(2) States should not be obligated to provide public education benefits to aliens who are not lawfully present in the United States.

'(b) CONSTRUCTION.—Nothing in this section shall be construed as expressing any statement of Federal policy with regard to—

'(1) aliens who are lawfully present in the United States,

'(2) benefits other than public education benefits provided under State law, or

'(3) exclusion or deportation of aliens unlawfully present in the United States.

"AUTHORITY OF STATES

"Sec. 602 (a) IN GENERAL.—In order to carry out the policies described in section 601, each State may provide, subject to subsection (f), with respect to an alien who is not lawfully present in the United States that—

'(1) the alien is not eligible for public education benefits under State law; or

'(2) the alien is required, as a condition of obtaining such benefits, to pay a fee in an amount consistent with the following:

'(A) In the case of a State that requires an individual to pay a fee to receive public education benefits under this section with respect to an alien, the State shall provide the alien with an opportunity for a fair hearing to establish that the fee would cause undue financial hardship to the alien.

'(B) In the case of any other State, an amount consistent with the following:

'(i) a fee not to exceed $50 per academic year for aliens who are students enrolled at any school in the United States.

'(ii) a fee not to exceed $100 per academic year for aliens who are not students enrolled at any school in the United States.

'(c) AUTHORITY OF STATES. — Nothing in this section or section 601 shall be construed as affecting the immigration eligibility (SAVE) described in section 1107(d)(3) of the Social Security Act (42 U.S.C. 1320b–7(d)(3)).

"(d) OPPORTUNITY FOR FAIR HEARING.—If a State determines that an alien is not eligible for public education benefits under this section with respect to an alien, the State shall provide the alien with an opportunity for a fair hearing to establish that the alien does not have other access to public education services. The alien must be lawfully present in the United States, consistent with subsection (b) and Federal immigration law.

"(e) NO REQUIREMENT TO DENY FREE PUBLIC EDUCATION.—No State shall be required by this section to deny public education benefits to an alien who is not lawfully present in the United States.

"(f) NO AUTHORITY TO DENY FREE PUBLIC EDUCATION TO STUDENTS ELIGIBLE AT ANY TIME DURING THE PERIOD BEGINNING SEPTEMBER 1, 1996, AND ENDING JULY 1, 1997.—(1) A State may not deny, and may not require payment of a fee, as a condition of receiving public education benefits under this section with respect to a protected alien.

'(A) For purposes of this subsection, the term “protected alien” means an alien who is not lawfully present in the United States and is enrolled as a student in a public elementary or secondary school in the United States at any time during the period beginning September 1, 1996, and ending July 1, 1997.

'(B) States should not be obligated to provide a nonresident fee.

'(C) Nothing in this section shall be construed as affecting the immigration eligibility of such nonresident fee.

'(D) States should not be obligated to provide the policy of the United States that—

'(E) aliens who are not lawfully present in the United States but who meet the policy of the United States that—

'(F) aliens who are not lawfully present in the United States but who meet the policy of the United States that—

'(G) aliens who are not lawfully present in the United States but who meet the policy of the United States that—

'(H) aliens who are not lawfully present in the United States but who meet the policy of the United States that—

'(I) aliens who are not lawfully present in the United States but who meet the policy of the United States that—

'(J) aliens who are not lawfully present in the United States but who meet the policy of the United States that—

'(K) aliens who are not lawfully present in the United States but who meet the policy of the United States that—

'(L) aliens who are not lawfully present in the United States but who meet the policy of the United States that—

'(M) aliens who are not lawfully present in the United States but who meet the policy of the United States that—

'(N) aliens who are not lawfully present in the United States but who meet the policy of the United States that—

'(O) aliens who are not lawfully present in the United States but who meet the policy of the United States that—

'(P) aliens who are not lawfully present in the United States but who meet the policy of the United States that—

'(Q) aliens who are not lawfully present in the United States but who meet the policy of the United States that—

'(R) aliens who are not lawfully present in the United States but who meet the policy of the United States that—

'(S) aliens who are not lawfully present in the United States but who meet the policy of the United States that—

'(T) aliens who are not lawfully present in the United States but who meet the policy of the United States that—

'(U) aliens who are not lawfully present in the United States but who meet the policy of the United States that—

'(V) aliens who are not lawfully present in the United States but who meet the policy of the United States that—

'(W) aliens who are not lawfully present in the United States but who meet the policy of the United States that—

'(X) aliens who are not lawfully present in the United States but who meet the policy of the United States that—

'(Y) aliens who are not lawfully present in the United States but who meet the policy of the United States that—

'(Z) aliens who are not lawfully present in the United States but who meet the policy of the United States that—

"(g) NO IMPACT ON IMMIGRATION STATUS.— Nothing in this section or section 601 shall be construed as affecting the immigration status of any alien, including the conferring of any immigration benefit or change in any proceedings under this Act with respect to the alien.

"(b) C LERICAL AMENDMENT. — The table of contents is amended by adding at the end the following new items:

"TITLE VI—AUTHORIZING STATES TO DISQUALIFY CERTAIN ALIENS NOT LAWFULLY PRESENT IN THE UNITED STATES FROM PUBLIC EDUCATION BENEFITS

"Sec. 601. Congressional policy regarding ineligibility of aliens not lawfully present in the United States for public education benefits.

"Sec. 602. Authority of States.

"The SPEAKER pro tempore. Pursuant to House Resolution 530, the gentleman from California [Mr. GALLEGLY] and the gentleman from Texas [Mr. BRYANT] each will control 30 minutes.

"The Chair recognizes the gentleman from California [Mr. GALLEGLY].

"Mr. GALLEGLY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on H.R. 4134.

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

"There was no objection.

"Mr. GALLEGLY. Mr. Speaker, I yield myself whatever amount of time I shall consume.

"Mr. Speaker, I rise in strong support of H.R. 4134. This is a modified version of the original Gallegly amendment which passed this House by a vote of 257 to 163 during the debate of the immigration reform bill just this past March.

"I might remind my colleagues that the entire immigration bill, which at the time contained the original Gallegly amendment, passed this body by a strong bipartisan vote of 333 to 87. Like the original amendment, today's bill does nothing more than ensure that the Federal Government will no longer be able to force the States to educate those who are in this country illegally.

"This legislation will allow all States full discretion in the way they want to handle public education and illegal immigration. However, unlike the original Gallegly amendment, this bill has been modified to ensure that it impacts only prospective illegal immigrants. In other words, all we are trying to do through this legislation is stop an entitlement that would otherwise exist in perpetuity.

"This modified version of my amendment does not kick one child out of school, but it does serve notice to those who have not yet come to this country illegally, using education as a magnet, that public school may not be available. It does not offer the States the option of closing the school door to those who have arrived there currently.

"Today this education represents an enormous unfunded mandate the Federal Government imposes on the States. California alone spends an estimated $2 billion annually providing education to illegal immigrants. That is enough to hire 51,000 new teachers or put 1 million new computers in every classroom. If we fail to act, States will be forced to provide a free public education to illegal immigrants until the end of time, and that is not right.

"As the primary funders of public education, State lawmakers and the State taxpayers they represent should have the ability to decide whether illegal immigrants should continue to receive a free public education.

"This Congress must continue to dismantle the system of public benefits that convinces those in foreign lands to come here illegally. It must also continue to decentralize the Federal Government and shift the power to the States. The revised version of the Gallegly amendment accomplishes both of these critical objectives, and I urge passage of H.R. 4134.

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

"Mr. BRYANT of Texas. Mr. Speaker, I yield myself such time as I may consume.

"(Mr. BRYANT of Texas asked and was given permission to revise and extend his remarks.)

"Mr. BRYANT of Texas. Mr. Speaker, I think it would have been best, frankly, had my good friend, the gentleman from California [Mr. GALLEGLY], who I believe to be quite sincere about this, had simply brought to the floor the original amendment which says flatly that we are going to provide the children of illegal immigrants, illegal immigrants, from going to school. This is a repackaged version which attempts to make it seem like it is a little more
illegal immigrants do not come to the United States so they can get their kids to school. It is a question of the borders and illegal immigration. We have been looking at the things that are being said, and it is a question of the border States and big border States, resulted in an awful lot of kids being in the system; there is no question about it. It is aggravating, and it is expensive.

We put in the immigration bill a provision to require the Federal Government, who is to blame for the situation, to require them to pay the cost. It is not fair to make the schools of Texas, the school districts in Texas or California or anywhere else, pay this cost. Well that disappeared somewhere along the line in a House in which the Republicans are the majority. That is gone. The blame for that must be laid on the Republican side of the aisle.

The fact of the matter is, this is not a solution to the illegal immigration. None of the studies have said that it is. A Jordan Commission report, which began this whole effort to change the immigration laws, did not ask for this kind of a measure, and that is because, as said a moment ago, illegal immigrants here to get their kids in school; they come here to get a job.

Mr. BRYANT of Texas. Mr. Speaker, if they are coming to get a job and they have kids, the kids are coming. Do we want, as a matter of national policy, to have these kids wandering in the streets?

We might hear it said in a moment, well, the new version of this does not require that, it simply says the States and local communities in the cost of education. If we are not serious about doing anything about unfunded mandates, then simply let us defeat this proposal. We might hear it said in a moment, we do not want to pay the cost of educating these kids. In our State of Georgia would argue that point. But it does not make any difference, all roughly half of the cost is paid by the State, the other half being paid by local property taxpayers. We have heard a lot of talk about compassion here, compassion for children. I would direct it to the Members. It is another element of compassion, the senior citizen, the widow who is fighting to hold onto her home, and every year sees her ad valorem taxes go up, and part of that reason, a significant part, benefits the cost of education.

I would say that this is a matter of compassion, to restore to those who are paying the cost for our failure to enforce our immigration laws the ability to make a decision: Should they or should they not allow those who are illegally in our country to participate in the education system? That is a decision that they are paying for. They should have the right to make that choice. I say that is compassion. That is putting meaning into doing away with unfunded mandates.

Mr. BRYANT of Texas. Mr. Speaker, I yield myself 45 seconds.

Mr. Speaker, I would observe that the same taxpayers that the gentleman from California, Mr. Gallegly, Mr. Speaker, reclaming my time, I would simply observe that the two of us, I am the one that reads the daily newspapers of Texas, and I believe I can produce the reports that would say differently than that.

Mr. Speaker, the fact of the matter is that the impractical result of this alluring proposal is obvious to those who study it carefully. I urge Members to do what is right for our kids, do what is right for our police departments. Do not put another burden on the school districts, and vote against this bill.

Mr. GALLEGLY of California, Mr. Speaker, I yield 2½ minutes to the gentleman from Georgia [Mr. DEAL].

Mr. DEAL of Georgia. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I think it should be abundantly clear as a result of the debate, as not only by his vote and on this bill here that the enforcement of our immigration laws has a very low priority in the minds of some, and perhaps not the same degree of urgency that it has in the minds of others who have appeared before this body today to speak. I would simply say that we are dealing with two very separate and different issues here. One is truly the issue of unfunded mandates. By definition, we have traditionally thought of this as a unfunded mandate that has costs that are associated with other levels of government paying for them; namely, States and local communities.

Here we are not talking about passing laws, we are talking about the failure of the Federal Government to enforce its existing laws, that is, namely, our immigration laws; and by failing to do so passing on, by virtue of court decisions, the costs to local communities in the cost of education.

If we are not serious about doing anything about unfunded mandates, then simply let us defeat this proposal. But if we are serious about it, then we should restore to the level of government that is having to pay for these decisions the power to make the decisions: namely, States and local communities.

My State, like most States, I am sure, divides that cost up, the cost of education. In our State of Georgia roughly half of the cost is paid by the State, the other half being paid by local property taxpayers. We have heard a lot of talk about compassion here, compassion for children. I would direct it to the Members. It is another element of compassion, the senior citizen, the widow who is fighting to hold onto her home, and every year sees her ad valorem taxes go up, and part of that reason, a significant part, benefits the cost of education.

I would say that this is a matter of compassion, to restore to those who are paying the cost for our failure to enforce our immigration laws the ability to make a decision: Should they or should they not allow those who are illegally in our country to participate in the education system? That is a decision that they are paying for. They should have the right to make that choice. I say that is compassion. That is putting meaning into doing away with unfunded mandates.
Mr. GALLEGGY. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. Riggs].

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

Mr. GALLEGGY. Mr. Speaker, I thank the gentleman for yielding time to me, and for the hard work and tremendous leadership and expertise of the gentleman from California [Mr. GALLEGGY], on this particular issue, which is of tremendous concern and importance to California citizens.

Mr. Speaker, obviously there are many things that we can do to at least reduce the tide, the flow of illegal immigration into California and our other border States, but the best way to control our border is by demagnetizing it. That was clearly pointed out in the Jordan Commission, the commission headed up by the late Congresswoman Chabot of Texas, who said we had to reduce and ultimately eliminate social welfare benefits, including a free public education for illegal aliens, if in fact again we were going to do a good job of controlling immigration.

This is just so important in California, and it is pretty clear the direction that this Congress should take. We have to have a national policy which specifies that the Federal Government no longer mandates on State and local governments by forcing them, which is what current law does, by forcing them to provide taxpayer-financed benefits to illegal immigrants. The decision should rest solely in the hands of State and local authorities to decide where their resources go. That certainly applies in the area of education.

One of the more compelling of the border magnets is the free public education California and the other border States are mandated to provide to the children of illegal immigrants, who are themselves illegal immigrants. This year their education will cost California taxpayers over $1.8 billion. That is an increase of 144 percent over just 8 years. So make no mistake about it, the availability of free public education is attractive.

In the fiscal years 1988 to 1989 there were 187,000 illegal immigrant children in California. Today, there are almost 380,000, doubling in just 7 years. That number continues to grow every year. That is why California voters spoke very loudly, very clearly, in 1994 when they approved the California statewide ballot initiative, Proposition 187, by nearly a 60 to 40 margin.

Let me put this in a little different perspective, though, if not compelled by Federal mandate to spend $2 billion annually to educate illegal immigrants, California could instead hire more than 82,000 new teachers, install at least one computer per classroom. Are they listening, our Democratic colleagues in the Clinton administration? Because, of course, we have heard the President talking about linking every single classroom in the country to the Internet, making sure that everybody is on line. And with that funding we could construct 23,400 new classrooms to ease overcrowding in classrooms. That is clearly the direction that the California Legislature and the Governor want to go, on a bipartisan basis.

One other bit of perspective on this. The $2 billion we are spending annually to educate illegal immigrants is equal to the total amount the State spends to run all nine campuses of the University of California. So the Gallegly proposal is very necessary to allow California taxpayers to protect themselves from these exploding costs.

We are hearing objections from congressional Democrats and from the Clinton administration, saying California taxpayers must educate any illegal immigrant, even those who have yet to enter the country. That is not what California voters want. I think those of us who are elected to this House have a first and foremost responsibility, obviously, to represent the constituents of our districts and our home States.

Mr. BRYANT of Texas. Mr. Speaker, will the gentleman yield?

Mr. RIGGS. I yield to the gentleman from Texas.

Mr. BRYANT of Texas. Mr. Speaker, I would just like to ask the gentleman how he distinguishes here between this and other questions.

The SPEAKER pro tempore (Mr. CHAMBLISS). The time of the gentleman from California [Mr. Riggs] has expired.

Mr. BRYANT of Texas. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I would ask the gentleman if he would respond to my questions. The gentleman says that the school systems ought to decide whether or not the States should decide whether or not this Federal issue should be dealt with locally or not. I would ask the gentleman what is it that he lacks in the Bill that the States should be deciding whether or not we require them to integrate the schools, or should the Federal Government require them to integrate the schools?

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

Mr. BRYANT of Texas. I yield to the gentleman from California.

Mr. RIGGS. Mr. Speaker, did the gentleman and the Head Start immigrant?

Mr. BRYANT of Texas. Integrate. The Federal Government now requires the school systems to be integrated, to permit all students to come to school. Do you think that we should continue that policy?

Mr. RIGGS. That has been a matter of Federal policy for years, of course.

Mr. BRYANT of Texas. How does the gentleman distinguish, now? We are talking about a Federal issue here. I would point out not to be the same in all States, also, that we require they be in school?

Mr. RIGGS. If the gentleman will continue to yield, let me put it in the words of Gov. Pete Wilson: Should a State want to commit its educational resources in this area, and I think the gentleman is correct, that is the course his home State of Texas would like to take, it would be free to do so under the Gallegly amendment, because the decision under Federalism is left to the States.

Mr. BRYANT of Texas. Mr. Speaker, I yield 2½ minutes to the gentleman from Texas [Mr. DOGGETT].

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

Certainly it is no wonder the Speaker GINGRICH chose to elevate another anti-education proposal in these waning hours, precious hours, and to say he will place this above all the other issues that face the American working families today. For, indeed, this has been the most consistently anti-education House in memory.

We have replaced decades, if not centuries, of a bipartisan commitment to Federal aid to education with extremism, with a hatchet that goes after one program after another. This is the same crowd that in the last 2 years has attempted to cut almost $20 million from Federal student loans. It is the same crowd that is this Gingrich Congress, that tried to raise the cost of going to college by $5,000. It is the same crowd that said to thousands of American citizens that we will give their children a wrong start, not a Head Start. And whether it was Head Start or college or anything in between, they went after the education system.

Basically, this new crowd, this Gingrich Congress, its position is that we should terminate the entire Federal commitment to education. They just plan to do it one program at a time. This is just part of the overall scheme.

As for the specific children that the Speaker wants to deny education to today, the plan is simple enough. When the kids get old enough and they have gotten above the pre-Head Start level and the Head Start level, then they get old enough to join a gang, the program being advanced here today is to give them an education, all right, give them an education in the street, education of the gang, of drugs and of crime. That is why, instead of learning their ABCs, they will learn how to break into your house or car. That is why every major law enforcement organization nationwide, almost, has come out against this provision.

Of course this nonsensical approach is antieducation, and it is not going to
work in the interest of our law enforcement officers.

The supporters of this measure continue to insist that ignorance is cheaper than education. When we look back over this Congress, we look at the $1.5 billion that was wasted on costly government shutdowns. The legacy of destruction and ignorance in this Congress is great indeed when we look back over the costly government shutdowns. When we look at all the education programs this Congress has tried to wreak under the leadership of Speaker GINGRICH, I think we can certainly say that the cost to the American people of ignorance has been dear indeed.

Mr. ROHRABACHER. Mr. Speaker, I yield myself 15 seconds to respond to the gentleman from Texas.

First of all, this is not antieducation, it is preeducation. It is preeducation for the students that have a legal right to be in this country, that are either legal residents or citizens. This is the most preeducation bill we have had in a long time.

And on the issue of law enforcement, as the gentleman from Texas knows, it is broadly supported by more law enforcement people across this country than it is opposed.

Mr. Speaker, I yield 3½ minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Speaker, I congratulate my fellow Californian, Congressman ELTON GALLEGLY. He has fought a long and hard battle to get this bill across and to have our Government come to grips with a major threat to the well-being of the people of the United States of America.

This Congressman, when I first came here in 1989, took me aside and we spoke about the illegal immigration problem, and that was back in 1989. We have worked together diligently ever since, and he has provided enormous leadership on this issue. We were never able to get this to the floor for a vote. Why is this case when the liberal Democrats controlled the House of Representatives and the U.S. Senate, they were not about to let any honest debate on this issue take place. Perhaps it is because there is an alliance, a political alliance somewhere that someone wants to maintain that is costing the American people the right to run their own country and the right to educate their children and the right to have their own border fronted.

The fact is that, until the Republicans took control of the House, the liberal Democrats put us down every time we tried to discuss this issue. We could never get a vote. Thank God that at last month we were able to have our own border fronted. Since Mr. GALLEGY and I talked in 1989, millions upon millions of illegal immigrants have flooded into our home State of California and across the country as well. Those millions of illegal immigrants that have come here may be fine people, but they are consuming resources and benefits that are meant for the people of the United States of America.

In California, we see our health care system breaking down. We hear and see our education system breaking down. We know something must be done, but we have been prevented from doing so because the people who ran this House would not let the Gallegly amendment go to the floor. Let Mr. GALLEGY present a bill and get it to the floor of the House of Representatives.

I applaud Congressman GALLEGY and the others who have worked so hard on this, because we care. We care about the United States of America, and we know that the people are not going to buy the line that this is antieducation because we want education dollars to go to the benefit of our children rather than foreigners that have come here illegally. That is antieducation? Nobody buys that. That is the type of arrogance that has been rejected by the people of this country.

I hope that when they go to the polls a month from now that they remember this gentleman and put him back in there and keep him there for another term.

The Gallegly amendment basically focuses on education, which is of major concern. For us to say that those people coming from other parts of the world do not care about their children, are not coming here to give their children a future, is ridiculous. All the Gallegly bill now does, and I do not think it should have been compromised before, I mean the fact is it was much stronger before, saying illegal aliens who are here should not get the benefit, but this bill now before us just says future illegal immigrants should not get this right of education.

Let us end this attraction to illegal immigrants. This bill at least cuts off the attraction to future illegal immigrants by taking away those limited tax dollars that we have available for education.

Mr. BRYANT of Texas. Mr. Speaker, I yield myself 1 minute.

I just wonder if the gentleman was reading the papers back in 1986 when the House of Representatives under Democratic leadership took up the fundamental immigration law for the first time in many, many years and passed legislation making it against the law for illegal immigrants to receive free education. Those of us who are in this country. The gentleman gave us a fairly hard time there talking about how all the evils of the world are a result of the fact that you could not get the Gallegly amendment up on the floor. The fact of the matter is we passed about three immigration laws that have been here which is 14 years.

Mr. ROHRABACHER. If the gentleman will yield, to answer the gentleman’s question, this man spoke in 1986 about the 1986 bill. That is the one that granted amnesty to millions of illegal immigrants and sent the message out to all the people in the world, “Come to the United States because if you get in, eventually they’re going to wear down and they’re going to give you amnesty.” That bill precipitated this flaw.

Mr. BRYANT of Texas. I would like to ask the gentleman further, have you ever read the bill? I think you found that it was not antieducation. What is the gentleman from Texas talking about how all the evils of the world do not care about their children, they’re going to give you amnesty. I do not know where you got that. But I suggest you read the bill and read some history before you come to the floor and indict the last 10 years of this Congress.

Mr. BRYANT of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. BECERRA].

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

I am going to go back a bit, because a number of speakers have come up here and have complained that they need to get the facts up here and say about the costs of illegal immigration and the immigrants that are coming, and California and the costs. Certainly there are costs, but it would not be a full and honest debate, I think, if we do not talk about the facts that are going to get up here and say that if you did not also say what they are contributing. Whether it is the food you eat, the clothes you wear, you are able to purchase it for a decent price because of the work that some of these folks do.

On top of that, it would not be an honest debate whether they are here legally or not. Because if they are not legally here, I think everyone agrees that they should be deported; but while they are here and working, if they happen to buy an article of clothing the way you or I do, they pay the same sales tax that you and I have paid. If they purchase a car, or furniture, they pay the same sales tax that you and I have paid. If they own property, and many of them do, they pay property taxes the way you and I do. If they do not own property but they rent, they are ultimately still helping to pay for the property tax on that property through their rent. If they own a business, and many of these folks do, they pay business taxes to the local government.

All of that, as the gentleman from Georgia [Mr. Deal] had mentioned, all of that is a bill that does not pay for the cost of education in most States. I know for a fact in California, most of the money comes from sales tax and local property taxes for the schools in our State. So please, if you are going to make an honest argument, then you are going to talk about the estimated cost because it only can be an estimated cost, what the estimated cost is of having a child go to school if he or she happens to be undocumented, also mention what is contributed by these families because they are not just not helping, most of them are providing some payment.

Another point: In bad times or in good times, we have had folks in this
country who do not have documents who are, as I said before, and everyone will agree, deportable. Bad times or good times. In good times, folks were not saying that they were costing our schools all this money and as a result our kids were not getting educated, our people were not getting their health care.

In good times or in bad times, they have been here. When the economy shot up, when the economy has shot down, they have been around. It just so happened that in bad economic times, you look for the scapegoats, and it is easy to point your finger at those individuals.

Mr. ROHRABACHER. If the gentleman will yield, I am not suggesting these are bad economic times.

Mr. BECERRA. I am not suggesting that. I am just saying whether it is good or bad times. Mr. Speaker, I suspect the gentleman will agree with me, as a Republican, that these are good economic times.

Let me continue if I may. This whole argument really, if you boil it down, is the following. I think everyone in this Chamber will ultimately agree, if you kid a kid out of school, you will not drive the parents just out of the country. What you do is you kick a kid out of school and you put the kid on the street. The parent is probably here because he or she probably has a job, probably in the underground economy, is going to stay here because chances are in the home country the person would not be making as much money.

In the home country there is a good chance the kid would not get educated anyhow. So they are probably going to stay here whether or not you place a kid out on the street. The real concern, as most of the law enforcement officials and Sherm Block, the Sheriff of L.A. County, will attest to this, and he is a Republican, is that you are faced with the particular provision by the gentleman from California [Mr. GALLEGLY], he will attest, it is better to have a child in school than on the street.

If this is meant to drive people out of the country who are here without documents, it is going to fail miserably. And if it is, what are the consequences? You and I will not see the consequences because we are here in Washington, DC, making the policy. The consequences will be faced by the states and the school boards that are opposed to this measure and most of the law enforcement officials who are opposed to this measure because it does not help them take care of their worries locally.

How much will it cost? This really is anti-education. Why? Because if you think someone is going to have their child pay tuition, this proposal says, well, these people who are undocumented can pay tuition for their kids to go to school if they want to continue in public schools. Let me tell you, if you are going to use $5,000 or $6,000, I guarantee you most people would send their kids to some private school for that amount of money if they could because they would avoid the problem to begin with of having their kids go to a public school and being caught. You are not going to do anything with this measure, no kid is going to be able to afford to pay the tuition for a public or private school.

Mr. GALLEGLY. If the gentleman will yield, there is no tuition in the amendment here.

Mr. BECERRA. But the real issue in terms of cost and why this is so anti-education is the following. In California, which by the way, unfortunately, our Governor has been unwilling to fund education in our schools the way it should be. We are now ranked one of the last in this country.

We used to be one of the first back in the 1950’s in terms of education funding. But we provide about $6,000 per pupil in California in money. That is in school.

You drive a kid off on the streets, and costs come to the local law enforcement to try to make sure that they are making sure these kids that are on the street now are not committing crimes or becoming victims of crime. But should they be punished for the acts of a minor, this young child who has been kicked out of school will probably be incarcerated, not imprisoned because they do not take them to adult prisons. They take them to the youth offender facilities, which cost about $33,000 per year in the State of California.

So if you think $6,000 is expensive in our public schools, then $32,000 is surely much more expensive than that. That is what you are driving towards with this particular piece of legislation.

A couple of more points: Why we would want to set as a national policy a principle that says we are going to hit the kid, we are going to punish the parent of an adult, I am not certain. I know the courts right now are debating whether you can punish a parent for the acts of a child. Some of these delinquents, children who become delinquents, we are now having some local laws that say, OK, let us punish the parents for letting this kid become a delinquent.

The courts have not decided yet if, in fact, you can punish the parent for the acts of a child. Not only are you going beyond the court cases here permitted, but when you turning it on its head, you are saying punish the child for the acts of the adult, as if a 2, 3, or 7-year-old could tell his or her parent, “Don’t cross that border without documents, Mom or Dad, because, if you do so, we’re in trouble.”

Be realistic. This is not sound policy. If we are going to address the issue of illegal immigration, let us do it where it most counts, at the border. We did that in the bill that just passed. We did not provide additional funding to Border Patrol.

We could have done more to provide more protections at the workplace to make sure people do not work without documentation. We did not. This is just another measure that sounds good. That is why it is bottled up in California after Prop 187, because it does not work. We should be about the business of passing laws that will work, not just sound good but because they will work. Unfortunately, this will not work.

Mr. GALLEGLY. Mr. Speaker, I yield 1½ minutes to the gentleman from Oregon [Mr. COOLEY].

Mr. COOLEY of Oregon. Mr. Speaker, I rise today in support of H.R. 4134, a bill that allows States to deny public education benefits to illegal immigrants.

This bill is only a matter of fundamental fairness. States are trying hard to balance their budgets. Meanwhile, a growing population of illegal immigrants strains the resources of the State and local governments.

We order the States to give taxpayers funded public education, to who? To those who are here illegally. Is this not an unfunded Federal mandate, which we just passed legislation to discontinue?

Come on. At a time when we are trying to introduce common sense to Washington, DC, let us get rid of these senseless mandates. Let us have common sense for the hard-working taxpayers of this country. Let us let the people of the States decide whether or not they want to spend their tax dollars on public education for illegal immigrants.

Mr. GALLEGLY. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. BILBRAY].

Mr. BILBRAY. Mr. Speaker, I have had the privilege of actually discussing and negotiating this issue at length with representatives in Mexico of the Senate and the Congress. Let me tell you, I heard the same arguments in Mexico that I am hearing on the floor right now of excuses not to do the reasonable thing.

What is interesting is I do not think any of us think that Mexico is xenophobic or antiimmigrant. But the fact is in Mexico, they have a law that says you must prove you are a legal resident, if you are not a citizen, before you even get into a private school, let alone a public school. So the Mexican issue, I think is settled and Mexico agrees it is a reasonable approach.

But I ask you, who are the children we are talking about here? I hear people on the floor saying “our children.” Are they talking about the legal citizen children who are not getting their fair share of education in the States impacted? Or are they talking about “our children” who are the legal resident aliens, who have played by the rules, who are not getting their fair share of the revenue of their education? Or are they talking about “our children” as being the illegal aliens in school right now? Because this bill
Mr. CONYERS. Not yet. I have some more to tell you about this subject, sir, and then I will be pleased to yield.

Now, it just so happens that the bill that you so avidly support here on the floor is nothing more than a mean-spirited attempt to punish children for the actions of their parents. Did you explain that to your cousins from Australia?

And, by the way, what do you think happens to all these hundreds of thousands of kids that you would exclude from this provision? They do? Join the Boy Scouts and the Girl Scouts? Or do they get part-time work? Or do they go the day care centers that their parents will assign to them? Or do they stay out on the streets and become criminals or victims of crime that your nephews fail to understand that you do get punished here in America? You get punished more in America than you do anywhere else in the world.

Mr. BILBRAY. Would the gentleman yield now?

Mr. CONYERS. Not yet. I have not completed.

Now, my dear friend, Mr. GALLEGLY, one of the best mayors California ever produced, how come you did not allow this great provision to remain where it was created, in the immigration bill? You have not explained that on the floor.

Mr. GALLEGLY. Yes, sir, I did.

Mr. CONYERS. No, you did not.

Mr. GALLEGLY. I will be happy to.

Mr. CONYERS. Well, you ought to be happy to. But this is the provision that was created, in the immigration bill? You have not explained that on the floor.

Mr. GALLEGLY. I will tell you.

Mr. CONYERS. The Speaker of the House wanted it out. Your colleagues take the rejection, and the President said he will veto this bill. We brought it back after we modified it. The President said we only had that in there so he would veto it.

Mr. GALLEGLY. Mr. Speaker, I thank the gentleman for yielding me 10 seconds uninterrupted, I will give him a complete answer. Will the gentleman yield me 10 seconds?

Mr. CONYERS. Well, the majority of my colleagues want me to do it, so I will do it.

Mr. GALLEGLY. I thank the gentleman for yielding. The reason this was taken out is the President of the United States, our President, said he would veto any bill that gave the Administration the ability to make an unfunded mandate in perpetuity, guaranteeing a free public education entitlement for anyone, whether they are here today or in the future. We did not want to see a very important immigration bill that had passed. The President said we only had that in there so he would veto it.

Mr. CONYERS. Mr. Speaker, reclaiming my time, in other words, you are blaming the President of the United States for NEWT GINGRICH's decision to remove it?

Mr. GALLEGLY. It was my suggestion.

Mr. CONYERS. Is that the idea?

Mr. GALLEGLY. No, it is not.

Mr. CONYERS. It was your suggestion to remove it?

Mr. GALLEGLY. Because I would not allow the President to hold this hostage.

Mr. Conyers, I yield myself 15 seconds to observe, this bill does not relate to or exempt illegal immigrants who are not even in school in the future, and they would remain on the streets. Heaven knows what would happen to these little kids if they were left on the streets.

Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. CONYERS].

Mr. Speaker, the previous speaker, also a good friend of mine, from California, said that this cousins in Australia have heard that if you break the law in America you get rewarded.

Well, what did you tell them, Mr. Lawmaker?

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

Mr. CONYERS. I have not finished my question to you yet. It is going to be a little more complicated than that.

If you break the law in America, you get rewarded? We have got more people in prison for breaking the law than any nation on the face of the planet, and building more prisons than schools.

We are now federally subsidizing the increase of prisons in States, and your cousins in Australia are telling you, a Federal lawmaker, that you get rewarded for breaking the law in America, and you want that on the floor of the House with even telling us what you told your cousin.

Mr. BILBRAY. Would the gentleman yield?
out and find ethics violations for the Speaker, and according to GEORGE MILLER, and I quote, “He is the general, it is in our best interests to take him out,” that is wrong.

But those that speak to the issue, I laud do not reflect their opinion. But I disagree with it.

I would say those from the liberal left that would not support the welfare, would not support the balanced budget, and then told stories to try and scare the American people, I think that is wrong.

What I would say to my liberal left friends is that my mom once told me, “If you lie enough, you are going to go to Hades, and I will be very happy and justified when you pass away to send to Hades, and I will be very happy and justified when you pass away to send to Hades, and I will be very happy and justified when you pass away to send to Hades, and I will be very happy and justified when you pass away to send to Hades, and I will be very happy and justified when you pass away to send to Hades, and I will be very happy and justified when you pass away to send to Hades, and I will be very happy and justified when you pass away to send to Hades, and I will be very happy and justified when you pass away to send to Hades, and I will be very happy and justified when you pass away to send to Hades, and I will be very happy and justified when you pass away to send to Hades.

And this issue is costing not only taxpayers, it is costing children. I will speak to California, children in California. It is not $6,000 a year, it is $4,850 per student times 250,000 students in K through 12. That is $2 billion a year, I would say to the gentleman from Texas [Mr. BRYANT]. Think in 5 years what we could do in the State of California with fiberoptics, computers, and paying teachers and the rest of it.

We have 18,000 illegal felons. When one talks about we are building more prisons than we are schools, that is one of the reasons I think, yes, the border is a problem place to start. But economically, criminally, and against our poor and Medicare, we are destroying American citizens, and that is why we are supporting this, not mean-spirited.

Mr. GALLEGLY. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. PACKARD].

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

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

Let me make a proposition to the Members of the Congress. Let us take American taxpayer dollars and send it to Mexico to educate other countries to educate their children. Those that have chosen to stay in their country and to abide by our border laws, they probably have a better right to our taxpayer dollars to educate their children than those that break our laws to bring their children here and get an education at taxpayer expense.

Now, I think it would be a ridiculous idea to send our tax dollars to Mexico or to any other country to educate their children. But it is more plausible and more just and more reasonable than to invite them to come illegally into our country and educate the children.

Now, you think about that.

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We will not send our money to foreign countries to educate their children, then I think our own country, that stays in their own country has a better right to our dollars then those who break our laws and bring them to this country.

Now, the argument has been how can we turn them out on the streets without being able to get a job? We can take an illegal child all the way from kindergarten through high school and graduate from high school and they cannot legally get a job in this country, so we should use the argument that they need a job.

I have an end to the idea that this bill is antieducation. That is the most spurious of all arguments. I have 33 grandchildren, my wife and I and we pay more than $200 a month on illegal alien children is a dollar that my grandchildren do not have for their education.

I do not need to tell my colleagues that in California, at least, maybe not in other States but in our State, we do not have enough dollars for education. Our children are being shortchanged. I do not want my 33 grandchildren, all in school virtually, to be shortchanged because we are spending our tax dollars to educate illegals.

I strongly urge a vote for Gallegly.

Mr. GALLEGLY. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. McKeon].

Mr. McKEON. Mr. Speaker, I rise in strong support of H.R. 4134. This legislation allows each State to decide whether it should provide a public education to illegal immigrant children. I just because the Federal Government has failed in its duty to secure our borders, States should not be required to spend limited State resources on education benefits for illegal immigrants.

For example, in my home State of California, taxpayers should pay the $2 billion burden to provide an education to nearly 400,000 illegal immigrants. Further, California’s children struggle to learn in overcrowded classrooms with a limited number of teachers and few resources.

In short, H.R. 4134 restores a fundamental State right to establish its own education policy and removes one of the most costly unfunded mandates of the Federal Government.

Again, I urge my colleagues to vote in favor of H.R. 4134.

Mr. GALLEGLY. Mr. Speaker, I yield 4 minutes to the gentleman from Florida [Mr. Foley].

Mr. FOLEY. Mr. Speaker, I thank the gentleman very much for his leadership on this issue, and I am urging my colleagues to vote “yes” on a modified Gallegly.

First, it ends the unfunded Federal mandate that forces States to provide free public education to illegal aliens not yet in our schools; it protects children already in schools as of July 1, 1997, and does not kick anyone out of school; and it guards against creating a new education entitlement for those not yet even in this country.

Now, folks, today, we have 35 to 40 children in overcrowded education classrooms. We are, indeed, overcrowded. In the Palm Beach County School System there are 37 languages spoken. In Palm Beach County, FL, teachers are required to complete some 300 hours of training to be prepared for English As A Second Language, to be able to assist students with other languages, taking time away from their families to learn to adapt to others who do not speak English as a language.

A moment ago a colleague suggested that we do not talk about the benefits illegal aliens provide to this State and Nation, we do not talk about the taxes that they pay. Well, then, is it fair to say we will not associate drug dealers because they certainly pay taxes themselves, as well?

The gentleman from California, Congressman BONO, and I were talking a moment ago, and this is the only topic in this Congress where the word “illegal” is actually protected. We talk about illegal drugs and we give 5-minute speeches on the terror of drugs in our Nation. We talk about rape and murder, and we talk about the toughest, most serious punishments we will level out in this Congress. Yet we talk about people illegally coming to this country, and we are supposed to be silent. We are supposed to be quiet.

Now, some of our colleagues are defending Governors, like Governor Chiles in Florida, who is suing the tobacco companies to recover health care costs because of the tobacco deteriorating ones health and costing the States money. Well, I would suggest to Governor Chiles that he sue the Federal Government to recover money for education benefits paid to illegals. In Florida we are spending $800 million to $3 billion annually for illegal immigration.

Now, clearly, this Congress stepped up to the challenge when Mexico needed to help in its currency to the tune of $50 billion. But now, as we talk about the toughest, most serious punishments we will level out in this Congress, why are we not talking about people illegally coming to this country? Why are we not talking about people illegally coming to this country, and we are supposed to be silent. We are supposed to be quiet.

The gentleman from California, Congressman BONO, and I were talking a moment ago, and this is the only topic in this Congress where the word “illegal” is actually protected. We talk about illegal drugs and we give 5-minute speeches on the terror of drugs in our Nation. We talk about rape and murder, and we talk about the toughest, most serious punishments we will level out in this Congress. Yet we talk about people illegally coming to this country, and we are supposed to be silent. We are supposed to be quiet.

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Now, clearly, this Congress stepped up to the challenge when Mexico needed to help in its currency to the tune of $50 billion. But now, as we talk about the toughest, most serious punishments we will level out in this Congress, why are we not talking about people illegally coming to this country? Why are we not talking about people illegally coming to this country, and we are supposed to be silent. We are supposed to be quiet.

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The gentleman from California, [Mr. GALLEGLY] has worked tremendously hard on the Task Force on Immigration Reform, and in particular on this issue, because he knows well enough that California, Florida, Texas, New York, and even states have long endured the cost to their taxpayers to provide benefits for illegals. 

It is time simply to stop. Not stop with the people who are here today, but stop july 1, 1997, for those who would arrive and expect something for free from this Nation.

Mr. BRYANT of Texas, Mr. Speaker, I yield myself 30 seconds only to observe that I think it is all our responsibilities to take the next step and say what would be the actual result of doing what the gentleman is advocating.

Nobody wants illegal immigrants to be in this country, but the simple fact is not one single credible source believes that if we keep these kids out of school, their parents are going to leave or that they will not come here because, as the gentleman from California [Mr. BECERRA] said, they are not getting a decent education where they came from anyway.

If that is the case, what do we expect to do with all these kids on the street, first; and, second, what do we think will happen to all these kids on the street?

Mr. Speaker, I yield 2½ minutes to the gentleman from California [Mr. MARTINEZ].

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

First of all, there were several Members that got up that were in the State legislature, the same as I was, who decried the lack of money or education in California. Let me tell my colleagues something. The lack of money in education for California is the fault of the State legislature. The State constitution states the highest priority of any revenues collected should be for education, and yet the State has never acted that way and there are schools that are in desperate need of monies that the State has never provided for. So this is a lousy argument, that the illegal children that are being educated are depriving monies to the children of the citizens that should be educated.

I take umbrage with the statement the chairman made about Mayor Gallegly being the best mayor to come out of California, because I always thought I was.

Having said that, let me go back to the law itself. There is no Federal law that says that States must educate children of illegals. It was a court decision that acted because there was no policy statement by the Congress.

So now the Congress is making a policy statement that will only allow it to go back to the court, because the court acted under Article XVIII which clearly says that no State shall make or enforce any law which shall abridge the privilege or immunity of a citizen of the United States, nor shall deprive any person of life, liberty or pursuit of happiness without due process—and now get this, this is the important part—nor deny any person within its jurisdiction, it does not say legal or illegal, any person within its jurisdiction the equal protection of the law.

I suggest that should this bill pass and become law, if the President would sign it, which I doubt that he will, it will still come back. The first time a State decides to act on our prerogative, but gets back to the court and the court will still, under the protection clause of the Fourteenth Amendment, will say we have to educate children.

But what really is surprising to me is people and Members that get up in the well of the House and talk about the funds that we do not spend abroad. We spend too many funds abroad and not enough here in the United States, and maybe we should start thinking about that.

The fact is that what we are really talking about is the dignity of our country. We have talked and people have gotten on the floor here and talked about the suffering children all over the world and the starving children. And we have such sympathy for them, but yet if there are children here in the United States, we have no sympathy.

I admire the strength, the aggressiveness, the tenacity, the determination of those Republicans on that side that would get tough on immigration, get tough on the perpetrators of the illegalities we talk about with regard to the adults that are coming across, not the children.

Mr. GALLEGY. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. Riggs].

Mr. RIGGS. Mr. Speaker, I thank my good friend and California colleague, Mr. GALLEGY for yielding me this time.

Mr. Speaker, I want to clarify one thing, I think fundamental issue in this whole debate, and that is that we are talking about legislation which is prospective; that is to say, the Gallegly amendment would only apply to children who are not yet illegal immigrant children, who are not yet in our public schools.

So all these objections that we are hearing basically have the effect of saying we don't want to go and the feelings of taxpayers who are opposed to magnetizing our borders. Basically, our Democratic friends and the President and his administration are saying we must educate any illegal immigrant, even those who have yet to enter the country.

Now, that makes no sense. It makes no sense whatsoever for one Federal law to reward illegal immigrants from violating another Federal law, and that is what we are talking about in this debate, especially when it heaps tremendous burdens upon State taxpayers and deprives legal residents of needed services.

So I want to conclude with a letter that our governor, Pete Wilson, sent to the Speaker of the House, who I believe is going to conclude the debate here momentarily, back in March when we first debated the Gallegly amendment. And it is as applicable now as it was then.

He said in his letter, the governor, should a State want to commit its educational resources in this area, it would be free to do so under the Gallegly amendment because the decision is left to the States. On the other hand, he stated California would not do this mandate, as dictated by the overwhelming passage of Proposition 187, and allowed instead to target limited State resources to meet the educational needs of our legal residents.

The gentleman from Texas [Mr. BRYANT] brought up, I thought, a fair question earlier. And the response, really, is the basic premise of the Gallegly amendment, which is to leave education decisions where they rightfully belong, at the State level. And that is very much in keeping with the long-standing American decentralized decision-making in public education.

Yet unless we pass this legislation today, the burdens of this particular mandate will remain, and thousands of needy California schoolchildren will be shortchanged. I urge the House to pass the Gallegly legislation.

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

Mr. GENE GREEN of Texas. Mr. Speaker, I thank my Texas friend for allowing me 1 minute to speak against this bill.

One of the reasons I voted for the immigration bill ultimately was because this amendment was removed from it. This is an amendment, Mr. Speaker, that sets the pattern that we have seen in the Congress for the last 2 years: If we are going to cut the budget, let us cut education; if we are going to punish somebody, let us punish children, and that is what this amendment will do.

People do not come to this country to put their kids in public school. The children do not come here because of their own volition. They come here because somebody abroad said to punish a 10-year-old in Texas or a 10-year-old in California who is not here of their own volition and say they cannot go to public school, it is wrong and this is bad public policy. It is bad public policy on the State level as well as the Federal level.

I am always proud to be a Texan, but I am particularly proud to be a Texan because our Governor of Texas, who is a Republican, by the way, Governor Bush, has said he would not allow the children to be removed from Texas schools. And I admire him for that and thank him for his commitment to education. That is why this bill is so bad, Mr. Speaker.
Mr. GALLEGLY. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Speaker, I rise in support of this bill. Let me point out to my colleagues, legal residents of this Nation are paying a lot for illegal immigrants. Who pays this? Most of the education, public education funds are raised almost exclusively through the taxation of State residents. The State has to tax individual families, individual people to pay for this, $4.5 billion. Therefore, it is fitting that the State decide this issue, not the Federal Government. So the gentleman’s bill is simply saying let the States decide instead of forcing an unfunded mandate from the Federal Government.

It is here where it is only right. There are disincentives, if we pass this bill, for people to come and put their children into schools illegally. I urge my colleagues to think of it in those terms. Would Members want to be responsible for the education of illegal immigrants? Why not let each State decide if New York City or New York wants to decide one way, they can decide. I urge my colleagues to support this amendment.

Mr. GALLEGLY. Mr. Speaker, I have only one speaker remaining, and I reserve the balance of my time.

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

Mr. GALLEGLY. Mr. Speaker, I yield the balance of my time to the gentleman from Georgia [Mr. GINGRICH], the Speaker of the House.

The SPEAKER pro tempore. (Mr. CHAMBLISS). The gentleman from Georgia [Mr. GINGRICH] is recognized for 2½ minutes.

Mr. GINGRICH. Mr. Speaker, this is, I think, actually a very simple issue. First of all, the gentleman from California for listening carefully to the country and revising this. Members need to understand, any student enrolled in this school year is grandfathered until they graduate from high school. So there is not a question about kicking anyone out.

There are two core questions here: The first is, prospectively for the future, should we be saying across the planet, come to America illegally and you are guaranteed the taxpayers will pay for the education of illegal immigration and at the expense of legal children of Americans? That is what is happening.

What is happening today in California is that 51,000 teachers are being used up by an unfunded Federal mandate. We are taking teachers, classrooms and computers away from legal immigrants in California and away from the children of Americans and we are transferring it to people from families that are here illegally.

We lock in everybody to make sure that nobody has any question. The child in school during this school year is grandfathered until they graduate from high school. But we say for the future to the world, do not come to America illegally and expect that you are going to have the taxpayers of America, the legal immigrants and those who are America citizens, pay for social services other than emergency ones. That is what is happening.

I simply would say, we do not want the pandemonium that will be caused by this policy which looks good on the face of it but will not work, as every expert has testified. Members, please vote against this. It is just wrong to tax taxpayers and the citizens of California and to the legal immigrants who go to California, we are going to do at the Federal level require you to ignore your own proposition 187, we are going to require you to ignore the vote of 60 percent of your citizens and we are going to make you pay out of the money that ought to go to your children, while we in Washington both fail to protect the border and fail to provide the money.

Earlier today, I voted for the immigration reform bill, H.R. 2202, because it makes many important improvements to our immigration system by stepping up efforts to enforce current immigration laws, taking stronger steps to promote greater self-reliance among immigrants, and holding sponsors financially responsible for persons that they sponsor to migrate to the United States.

I am particularly pleased that H.R. 2202 included an amendment I offered that encourages the Immigration and Naturalization Service to focus more resources on detecting, apprehending, and deporting illegal aliens that are involved in criminal activity, such as drug trafficking. This provision will help ensure that the INS commits enough resources to communities such as mine to combat drug trafficking by illegal aliens.

However, while I support immigration reform, I strongly oppose denying education to immigrant children. Educating the children in our communities is, in my view, an important investment in the future of our children. We would not stand by and allow someone to physically abuse a child who was in our country illegally. Neither should we stand by while these children pass their formative years in increasing ignorance. We should not penalize innocent children for the illegal actions of their parents, and for the failures of the U.S. Government to control our borders.

I recognize that many States are carrying a significant financial burden to educate these children. That is why I believe we must focus on more efforts and resources on enforcing our borders so that illegal immigrants from coming to this country in the first place, and improve enforcement of immigration laws to ensure that people who initially come to this country
As public policy, the Gallegly amendment is plainly abhorrent. To begin with, it would do absolutely nothing to counter illegal immigration. Far worse, it would create by deliberation a generation of illiterate young people denied the opportunity to learn English, much less acquire the basic education required to get a job one day and support themselves.

The disastrous social implications of the House-passed amendment are clear to a majority of senators, including a dozen Republicans, who have announced their opposition to it. Consequently, the immigration bill will not get out of Congress unless the school provision is stripped from it.

Some GOP leaders would rather let the bill die than give President Clinton an opportunity to sign a measure that is popular in vote-rich California. But Senate Republican leader Trent Lott suggested Wednesday it would not be "in the best interest of the country to kill the measure over the Gallegly amendment. He's right.

Republican leaders who control a House-Senate conference committee on the bill should insist that the education provision and the measure be passed and sent to the president. And the president should sign it into law, I urge my State of Utah in the strongest terms to continue to provide a free quality education to all of our State's children.

Ms. HARMAN. Mr. Speaker, earlier today, I saluted the bipartisan leadership of my California colleague, ELTON GALLEGLY, and joined a majority of my colleagues in voting for tough measures to combat illegal immigration. We voted to turn over control of our Borders by doubling the size of the Border Patrol, to remove employment opportunities for undocumented workers, and to strengthen antiterror laws so employers can conduct fair and even-handed checks of legal status.

Mr. Speaker, the bill before us now, to allow the States to deny public education to the children of illegal immigrants, is bad public policy. As the Torrance Daily Breeze editorializes: "...the Gallegly amendment is plainly abhorrent. To begin with, it would do absolutely nothing to counter illegal immigration. Far worse, it would create by deliberate design a generation of illiterate young people denied the opportunity to learn English, much less acquire the basic education required to get a job one day and support themselves.

Nearly every major law enforcement organization opposes this bill. They know its enactment will worsen our crime rate. Chief Tim Grimmond of the El Segundo Police told me that kicking kids out of school "doesn't mean the families will pack up and leave"; it will leave us with kids who have nothing to do except get into trouble.

Mr. Speaker, illegal immigration violates one of our fundamental values: that all of us have a right to live and work by the same set of rules. We should punish those who break our laws—the parents. As Chief Gary Johansen of the Palos Verdes Estates Police Department told me, the bill's focus on schoolchildren is "simply a bad idea."

I urge its defeat. [From the Daily Breeze, Sept. 20, 1996]

IMMIGRATION BILL IN U.S. INTEREST

ENCOURAGING SIGNS FROM CAPITOL HILL

There are encouraging signs on Capitol Hill that Republican leaders finally are coming to their senses on immigration reform by cutting the repugnant Gallegly amendment.

The sooner, the better.

Author: Rep. Elton Gallegly, R-Simi Valley, the provision is the biggest roadblock to passage of a sweeping immigration bill that is critically important to California. The amendment would allow states to kick an estimated 700,000 illegal-immigrant children out of classroom, leaving them idle on city streets and in other crime-prone situations.

To the bill's credit, it does not force the States to adopt a particular course. States could choose to continue to educate illegal immigrants for free, charge them nonresident tuition—but not deny them an education.

However, we must work to ensure that some of the unanswerable questions in H.R. 4134 are resolved. For example, will school districts be required to notify the Immigration and Naturalization Service about students and their families who are illegally in the United States—effectively making school districts into immigration police? How will illegal immigration by keeping illegal immigrants and their families out of the United States—not by surrendering the battle at our borders and moving enforcement to the classless of America?

Mr. LAZIO of New York. Mr. Speaker, I rise today in support of H.R. 4134, a bill that would merely allow the States to decide, rather than the Federal Government, whether to provide a free public education, deny public education, or chauffeur illegal aliens from their jobs. This does not apply to illegal aliens currently enrolled, or those who enroll prior to July 1, 1997.

I support this legislation despite my personal reservations regarding the wisdom of denying public education to illegal immigrants. Some argue that this is not the best approach to combating illegal immigration, and that denying education to illegal immigrant children will in the long run have the unintended consequence of perpetuating the influx of illegal immigrants. I have been assured by New York Governor George Pataki that New York will continue to choose to provide a free public education to illegal immigrant children.

But what is really at issue here is who should decide whether a State educates illegal aliens within its State borders, the States, or the Federal Government. The public education of illegal immigrants is a tremendous unfunded mandate on the States. Public education has traditionally been within the purview of the States. States should have the power to decide what is best for their State educational systems, rather than have the Federal Government determine this for them.

In an area where the existence of the 10th amendment to our Constitution is being rediscovered, it is about time we trust our State legislatures and Governors and allow them to do their jobs. State capitals are closer than Washington, DC, to the problems that exist within their respective States, and I would suggest that they are in a better position to find the solutions.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong opposition to H.R. 4134.
This bill would allow States to deny public education to children whose only crime is that their parents came to this country illegally.

Mr. Speaker, there is a reason that this terrible provision was left out of the conference report on H.R. 2202, in fact there are several. Barricading public schools will pose a serious burden on the community and create safety hazards. Many of these children will be left with nothing to do during the school hours, posing a danger to themselves and others. It will be more difficult for parents to keep their children safe and out of mischief. Are we suggesting that gang activity is better than organized public education?

This bill will create added burdens for schools. Teachers and educators are nearly unanimous in opposition to changing their mission from education to border enforcement. The Federal Government should not force its responsibility to enforce immigration laws onto our already overburdened schools.

In addition, excluding children from public schools will be costly in the long run. Keeping children out of our schools will not magically transmogrify the United States into a society less conducive to crime. This bill threatens to create a class of persons within our communities who have grown up in this country permanently hobbled by lack of formal education. Moreover, denial of elementary education is likely to scar a child's ability to perform basic public responsibilities and to contribute fully to society at large. It is for this reason that, in the United States, education is compulsory, and it is a crime for a parent or guardian to keep his or her children out of school. For the same reason, elementary education has been officially recognized as a fundamental human right, explicitly affirmed in the United Nations Universal Declaration of Human Rights, of which the United States is a signatory.

Finally, the most logical reason of all to vote against this bill is that it will not impact illegal immigration. Kicking little children out of school is not one of them. This measure does nothing to cure illegal immigration. If some States have a greater need for assistance than others, then the Federal Government can provide monetary assistance. Don't stand at the schoolhouse door to stop children from entering organized public education.

I urge all my colleagues to avoid making scapegoats of innocent children under the guise of immigration reform—vote against H.R. 4134.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise today to oppose H.R. 4134 on behalf of a generation of children who will be left to twist in the wind because they have been denied an elementary education.

I agree that measures should be taken to discourage and prevent undocumented individuals from entering our country. I will not support, however, any meanspirited, punitive attempts to secure our borders that will devastate numbers of children because of the sins of their parents.

Are we as a body going to reduce ourselves to mistreating little children because we are angry that their parents have not complied with our laws? The obvious recourse would be to punish their parents or proactively prevent them from immigrating here unlawfully. What good is it to ban their children from attending public school? In the long run, it is the children of American citizens that will also be punished, because they will be forced to deal with the tragedy of a population of uneducated immigrants.

It sickens me to think of the discrimination that will inevitably result as parents will be forced to prove that their children are indeed legal. Unfortunately, those children who look foreign will be forced to prove that they are not. In fact, Americans. Be assured that the children whose ancestors are Irish, or British or Dutch or French won't be asked to prove their legality—they can easily pass as American.

Since the Civil Rights Act of 1964 was implemented, we have made enormous strides in our quest for an egalitarian society. This bill will only take us back to a dark period in our Nation—one in which those who looked different from the majority were treated as second-class citizens.

What good will it do us to leave a generation of children—most of whom were born here and are American citizens—uneducated, unskilled, and downright hopeless? In an era when we are intent on reducing crime, cutting foreign aid, tapering Federal involvement in education to border enforcement.

I ask my colleagues, Will you feed, clothe, house and offer work to this generation of uneducated adults? Certainly my colleagues on the other side of the aisle have not fully ingested the ramifications of this potentially devastating legislation. I urge my colleagues to vote against H.R. 4134.

Mr. CONyers, Mr. Speaker, I rise in opposition to this legislation granting States the option to deny public education to undocumented alien children. This provision is strongly opposed by the Fraternal Order of Police and the vast majority of law enforcement organizations because it kick children out onto the streets, where they are likely to become victims of—or parties to—crime.

As a matter of fact this bill represents yet another in a long series of Republican proposals which are weak on crime—from trying to repeal the assault weapons ban, to trying to repeal 100,000 cops on the beat, to failing to ban cop-killer bullets, opposing extending the Brady bill to apply to domestic violence, and failing to get tough on terrorists by placing tags on explosive materials or giving law enforcement the investigative tools they need.

The Republicans have a miserable record on crime, and this bill would only make it worse by making our street more dangerous.

It's an insult to this body that we are voting on this issue. If the House approves it, it will likely die in the Senate. Even if it doesn't, it faces certain Presidential veto.

The only reason we are considering the bill is pure politics. Republicans are trying to inject this divisive issue into the Presidential election. Well in the closing days of this Congress we have far better things to do than spend our time on partisan political issues which are going nowhere.

No matter how the Republicans try to repackage it, the bill will have the same dangerous consequences as the original proposal. This bill remains a mean-spirited attempt to punish children for the actions of their parents. Any money the States save from denying education benefits will be spent on the increased costs of crime.

In addition to being bad policy, the bill is unconstitutional. When Texas and California adopted similar provisions they were held to be unconstitutional denials of equal protection. If we enact the same policy at the Federal level it is still going to be unconstitutional.

This bill is tough on innocent children, and is just as bad as the provision we dropped from the conference which was opposed by Democrats and Republicans alike. I urge the Members to vote no.

The SPEAKER pro tempore. The question is on the passage 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; and the Yeas and Nays were ordered to be taken up at the next regular session of Congress.
ANNOUNCEMENT OF ADDITIONAL BILL TO BE CONSIDERED UNDER SUSPENSION OF THE RULES ON TODAY

Mr. NETHERCUTT. Mr. Speaker, pursuant to House Resolution 525, I announce the following suspension to be considered today: H.R. 4167, the Professional Boxing Safety Act.

REMOVAL OF NAMES OF MEMBERS AS COSPONSORS OF H.R. 3599

Mr. NETHERCUTT. Mr. Speaker, I ask unanimous consent to delete the following Members as cosponsors of H.R. 3599: Messrs. TRAFICANT, EHlers, McINTOSHI, Ms. DUNN of Washington, Mrs. CHENOWETH, and Mr. MCHUGH.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

PERSONAL EXPLANATION

Mr. MASCARA. Mr. Speaker, the President was in my district this morning for an event at Robert Morris College. He gave a great address and received a very warm welcome from the people of the 20th District of Pennsylvania.

However, as a result, I was detained in my district and missed several votes. If I had been here, I would have voted "no" on the rule for the immigration conference report, rollcall No. 430, "yes" on the motion to recommit, rollcall No. 431, and "yes" on passage, rollcall No. 432.

CONFERENCE REPORT ON H.R. 2977, ADMINISTRATIVE DISPUTES RESOLUTION ACT OF 1996

Mr. FLANAGAN (during consideration of H.R. 3852) submitted the following conference report and statement on the bill (H.R. 2977) to authorize alternative means of dispute resolution in the Federal administrative process, and for other purposes:

CONFERENCE REPORT (H. REP. 104-841)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2977), to authorize alternative means of dispute resolution in the Federal administrative process, and for other purposes, having met, after full and free conference, have agreed to the following:

SECTION 1. SHORT TITLE. This Act may be cited as the "Administrative Dispute Resolution Act of 1996".
amended by inserting "State, local, and tribal"

SEC. 5. AMENDMENTS TO SUPPORT SERVICES

United States Code,''.

by, the President under section 573 of title 5,
and inserting "the agency designated by, or the"
ment Relations Act, 1947 (29 U.S.C. 173(f)) is
SERVICE.ÐSection 203(f) of the Labor Manage-
section 582.

lished by, the President under section 573 of title

DURES.ÐSection 574(d) of title 5, United States

``(1) consult with the agency designated by, or
the President under section 573 of title 5, United States Code, to facilitate and encour-
gage agency use of alternative dispute resolution
under subchapter IV of chapter 5 of such title;

``(7) except for dispute resolution communica-
gations generated by the neutral, the dispute reso-
lution procedure was provided to or was available to all parties to the dispute resolution
proceeding.''

(c) ALTERNATIVE CONFIDENTIALITY PROCED-
"(2) To qualify for the exemption established
under subsection (j), an alternative confidence
采购 (B).

DISTRIBUTED UNDER SUBSECTION (C), is amended
by striking "settlement negotiations,''; and

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SEC. 2. AMENDMENT TO DEFINITIONS.
Section 571 of title 5, United States Code, is amended—
(1) in paragraph (3)—

SEC. 6. AMENDMENTS TO THE CONTRACT DIS-

putes Act.

Section 6 of the Contract Disputes Act of 1978
(4 U.S.C. 605) is amended—
(1) in subsection (d) by striking the second
sentence and inserting: "The contractor shall
certify the claim when required to do so as
provided under subsection (c)(1) or as otherwise re-
quired by law.''; and

(2) in subsection (e) by striking the first sen-
tence.

SEC. 7. AMENDMENTS ON ACQUIRING NEUTRALS.

(a) EXPEDITED HIRING OF NEUTRALS.Ð
(1) REQUIREMENTS AND AUTHORITY.

Section 2304(c)(3)(C) of title 10, United States Code, is amended by striking "agency, or",
and inserting "agency, or to procure the services of an expert or neutral for use''.

(b) REQUIREMENTS UNDER FEDERAL
CONTRACTS.ÐSection 303(c)(3)(C) of the Federal
Property and Administrative Services Act of 1949
(41 U.S.C. 253(c)(3)(C)), is amended by striking "agency, or" and inserting "agency, or to
procure the services of an expert or neutral for use''.

(b) REFERENCES TO THE ADMINISTRATIVE
CONFERENCE OF THE UNITED STATES.—Section 573 of

title 5, United States Code, is amended—
(1) by striking subsection (c) and inserting the
following:

``(c) The President shall designate an agency or
designate or establish an interagency commit-
tee to facilitate and encourage agency use of

(d) EXEMPTION FROM DISCLOSURE BY
STATUTE.—Section 574 of title 5, United States
Code, is amended by adding subsection (j) to read as
follows:

(i) A dispute resolution communication
which is between a neutral and a party and
which may not be disclosed under this section
shall also be exempt from disclosure under section
552(b)(3).''

SEC. 4. AMENDMENT TO REFLECT THE CLOSURE
OF THE ADMINISTRATIVE CONFER-
ENCE.

(a) PROMOTION OF ADMINISTRATIVE
DISPUTE RESOLUTION.—Section 3(a)(1) of the Adminis-
trative Dispute Resolution Act (5 U.S.C. 571
note; Public Law 101-552; 104 Stat. 2736) is amended to read as follows:

``(1) consult with the agency designated by, or
the interagency committee designated or estab-
lished by the President under section 573 of title
5, United States Code, to facilitate and encour-
gage agency use of alternative dispute resolution
under subchapter IV of chapter 5 of title 5, United
States Code, and;''

(b) COMPILATION OF INFORMATION.—

(1) IN GENERAL.—Section 582 of title 5, United
States Code, is repealed.

(2) TECHNICAL AND CONFORMING AMEND-
MENT.—The table of sections for chapter 5 of

title 5, United States Code, is amended by strik-
ing the item relating to section 571 and inserting
``section 571, United States Code,''.

(c) FEDERAL MEDIATION AND CONCILIATION
SERVICE.—Section 203(f) of the Labor Manage-
ment Relations Act, 1947 (29 U.S.C. 173(f)) is
amended by striking "the Administrative Con-
ference of the United States and other agencies" and
inserting "the agency designated by, or the
interagency committee designated or established by
the President under section 573 of title 5, United
States Code,''.

SEC. 5. AMENDMENTS TO SUPPORT SERVICES

Section 583 of title 5, United States Code, is amended by inserting "State, local, and tribal
governments," after "other Federal agencies,".
(2) Technical and Conforming Amendments.—The table of sections for chapter 5 of title 5, United States Code, is amended by inserting after the item relating to section 570 the following section 570a:

“570a. Authorization of appropriations.”

(e) Negotiated Rulemaking Committees.—The Director of the Office of Management and Budget shall:

(1) within 180 days of the date of the enactment of this Act, take appropriate action to expedite the establishment of negotiated rulemaking committees and committees established to resolve disputes under the Administrative Dispute Resolution Act, including, with respect to negotiated rulemaking committees, eliminating any redundant administrative requirements relating to such committees; and

(2) within one year of the date of the enactment of this Act, submit recommendations to Congress for the appropriate legislative changes.

SEC. 2. JURISDICTION OF THE UNITED STATES COURT OF FEDERAL CLAIMS: PRO-CUREMENT PROTESTS.

(a) Procurement Protest Protests.—(1) Terminat of Jurisdiction of District Courts.—Section 1491 of title 28, United States Code, is amended by redesignating subsection (b) as subsection (d) and by striking “(d)” and inserting “(d) EXCLUSIVE JURISDICTION OF OTHER TRIBUNALS.”

(2) In subsection (a)—

(i) by striking “(a)(1)” and inserting “(a) CLAIMS AGAINST THE UNITED STATES;”;

(ii) by striking paragraph (2) and inserting “(2) REMEDY AND RELIEF.—To;”;

(iii) by striking paragraph (3); and

(iv) by redesignating subsection (b), as designated by paragraph (1)(B)(i), the following new subsection (c):

“(c) PROCUREMENT PROTESTS.—(1) The United States Court of Federal Claims has exclusive jurisdiction to render judgment on an action by an interested party objecting to a solicitation by a Federal agency for procurements or proposals for a proposed contract or to a proposed award or the award of a contract. The court has jurisdiction to entertain such an action without regard to whether suit is instituted before or after the contract is awarded.

“(2) To afford relief in such an action, the court may award any relief that the court considers proper, including declaratory and injunctive relief.

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

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

(2) Clerical Amendments.—(A) Section Heading.—The heading of such section is amended by inserting “procurement protests” after “generally.”

(B) Table of Sections.—The table of sections at the beginning of chapter 91 of title 28, United States Code, is amended by striking the item relating to section 1491 and inserting the following:

“1491. Claims against United States generally; procurement protests; actions involving Tennessee Valley Authority.”

(b) Nonexclusivity of GAO Remedies.—Section 3556 of title 31, United States Code, is amended by striking “a district court of the United States or” in the first sentence.

(c) Other Provisions.—(1) Orders.—The amendments made by this section shall not terminate the effectiveness of orders that have been issued by a court in connection with an action within the jurisdiction of such court on the date before the effective date of this section. Such orders shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked by a court of competent jurisdiction or by operation of law.

(2) Proceedings and Applications.—(A) The amendments made by this section shall not affect the jurisdiction of a court of the United States to continue with any proceeding that is pending before the court on the day before the effective date of this section.

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

(C) Nothing in this paragraph prohibits the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this section had not been enacted.

(d) Effective Date.—This section and the amendments made by this section shall take effect on December 31, 1996.

And the Senate recedes to the same. That the Senate recede from its amendment to the title of the bill.

HENRY HYDE,
GEORGE W. GEKAS,
MICHAEL PATRICK FLAVAN,
JOHN CONYERS, JR.,
JACK REED,
MANAGERS ON THE PART OF THE HOUSE.

TED STEVENS,
BILL COHEN,
DOUG FLANAGAN,
JOHN GLINN,
CARL LEVIN,
MANAGERS ON THE PART OF THE SENATE.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the respective houses of Congress on the amendments of the Senate to the bill (H.R. 2977) to reauthorize alternative means of dispute resolution in the Federal administrative process, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment to the text of the bill struck all of the House bill after the enacting clause and inserted a substitute text. The House receded from its disagreement to the amendment of the Senate with the substitute text. The Senate amendment to the House bill makes certain changes made necessary by agreements reached by the conferences, and minor drafting and clerical changes.

The conferees incorporate by reference in this Statement of Managers the legislative history reflected in both House Report 104-597 and Senate Report 104-245. To the extent that a new proceeding under the conference agreement, those reports give expression to the intent of the conferences.

Section 3—House recedes to Senate amendment with modifications. This section clarifies that, under U.S.C. section 574, a dispute resolution communication between a party and a neutral or a neutral and a party that meets the requirements for confidentiality in section 574 is also exempt from disclosure under FOIA. In addition, a dispute resolution communication originating from a neutral and provided to all of the parties, such as Early Neutral Evaluation, is protected from discovery under 574(b)(7) and from disclosure under FOIA. A dispute communication originating from a party to a party or parties is not protected from disclosure by the ADR Act.

The managers recognize that the intent of the Conference Agreement not to exempt from disclosure under FOIA a dispute resolution communication originating from a neutral to another party could be easily thwarted if a neutral in receipt of a dispute resolution communication agrees with a party to in turn pass the communication on to another party. It is the intent of the Managers that if the neutral attempts to circumvent the prohibitions of the ADR Act in this manner, the exemption from FOIA would not apply.

As with all other FOIA exemptions, the exemption created by section 574(j) is to be construed narrowly. The managers would not permit the parties to seek to give the exemption as a mere sham to exempt information from FOIA. Thus, for example, we would not expect litigants to resort to ADR principally as a means of taking advantage of the new exemption. In such a case the new exemption would not apply.

Section 7—Senate recedes to House with a modification. This section requires the President to designate an agency or to designate an interagency committee to facilitate and encourage the use of alternative dispute resolution. The managers encourage the President to designate the same entity under this provision as is designated under section 11 (regarding Negotiated Rulemaking). This would promote the coordination of policies, enhance institutional memory on the relevant issues, and make more efficient the use of ADR and Negotiated Rulemaking.

Section 8—House recedes to Senate amendment with modifications. This section permits the use of binding arbitration under certain conditions, and clarifies that an agency cannot exceed its otherwise applicable settlement authority in alternative dispute resolution proceedings.

The head of an agency that is a party to an arbitration proceeding will no longer have the authority to terminate the proceeding or modify an award under section 580. However, it is the Managers’ intent that an arbitrator shall not grant an award that is inconsistent with law. In addition, prior to the use of binding arbitration, the head of each agency, in consultation with the Attorney General, must issue guidelines on the use and limitations of binding arbitration.

Section 11—House recedes to Senate amendment with modifications. This section permanently reauthorizes the Negotiated Rulemaking Act of 1982. In addition, it is required to designate an agency or interagency committee to facilitate and encourage the use of negotiated rulemaking.

The addition of this section requires the Director of the Office of Management and Budget to take action to expedite the establishment of negotiated rulemaking committees and committees to resolve disputes under the Administrative Dispute Resolution Act. It is the understanding of the Managers that the Federal Advisory Committee Act (FACA) applies to proceedings under the Administrative Dispute Resolution Act, but does not apply to proceedings under the Administrative Dispute Resolution Act. The Director also is required to make recommendations for any necessary legislative changes within one year after enactment.
The Managers deleted language in paragraph (b)(i)(B) determining that property accepted under this section shall be considered a gift to the United States for federal tax purposes because the Managers determined that the language merely repeated current law.

Section 12—House recedes to Senate amendment with modifications. This section solidifies court jurisdiction for procurement protest cases in the Court of Federal Claims. Previously, in addition to the jurisdiction exercised by the Court of Federal Claims, certain procurement protest cases were subject to review in the federal district courts. The Managers on the Part of the Senate.

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 on each motion to suspend the rules or on which the vote is objected to under clause 4 of rule XV.

The Clerk read as follows:

The Managers deleted language in paragraph (b)(i)(B) determining that property accepted under this section shall be considered a gift to the United States for federal tax purposes because the Managers determined that the language merely repeated current law.

Section 12—House recedes to Senate amendment with modifications. This section solidifies court jurisdiction for procurement protest cases in the Court of Federal Claims. Previously, in addition to the jurisdiction exercised by the Court of Federal Claims, certain procurement protest cases were subject to review in the federal district courts. The Managers on the Part of the Senate.

SEC. 201. SEIZURE AND FORFEITURE OF REGULATED CHEMICALS.

(a) Penalties for simple possession. Section 404 of the Controlled Substances Act (21 U.S.C. 844) is amended—

(1) in subsection (a)—

(A) by adding after the first sentence the following: "It shall be unlawful for any person knowingly or intentionally to possess any list I chemical obtained pursuant to or under authority of a registration issued to that person under section 303 of this title or section 1008 of title III if that registration has been revoked or suspended, if that registration has expired, or if the registrant has ceased to do business in the manner contemplated by his registration;"

(B) by striking "drug or narcotic" and inserting "drug, narcotic, or chemical" each place it appears; and

(2) in subsection (c), by striking "drug or narcotic" and inserting "drug, narcotic, or chemical".

(b) Forfeitures. Section 511(a) of the Controlled Substances Act (21 U.S.C. 831(a)) is amended—

(1) in paragraphs (2) and (6), by inserting "or listed chemical" after "controlled substance" each place it appears; and

(2) in paragraph (9), by—

(A) inserting "dispensed, acquired," after "distributed," both places it appears; and

(B) striking "a felony provision of".

(c) Seizure. Section 607 of the Tariff Act of 1930 (19 U.S.C. 1607) is amended—

(1) in subsection (a)(3), by inserting "or listed chemical" after "controlled substance"; and

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

(B) As used in this section, the terms "controlled substance" and "listed chemical" have the meaning given such terms in section 102 of the Controlled Substances Act (21 U.S.C. 802).

SEC. 202. STUDY AND REPORT ON MEASURES TO PREVENT SALES OF AGENTS USED IN METHAMPHETAMINE PRODUCTION.

(a) Study. The Attorney General of the United States shall conduct a study on possible measures to effectively prevent the diversion of red phosphorous, iodine, hydrochloric gas, and other agents for use in the production of methamphetamine. Nothing in this section shall prevent the Attorney General from taking any action the Attorney General already is authorized to take with regard to the regulation of listed chemicals under current law.

(b) Report. Not later than January 1, 1998, the Attorney General shall submit a report to the Congress of its findings pursuant to the study conducted under subsection (a) on the need for and advisability of preventive measures.

(c) Considerations. In developing recommendations under subsection (b), the Attorney General shall consider—

(1) the use of red phosphorous, iodine, hydrochloric gas, and other agents in the illegal manufacture of methamphetamine;

(2) the use of red phosphorous, iodine, hydrochloric gas, and other agents for legal

TITLE I—IMPORTATION OF METHAMPHETAMINE AND PRECURSOR CHEMICALS

Sec. 101. Support for international efforts to reduce importation.

Sec. 102. Penalties for manufacture of listed chemicals outside the United States with intent to import them into the United States.

TITLE II—PROHIBITIONS TO CONTROL THE MANUFACTURE OF METHAMPHETAMINE

Sec. 201. Seizure and forfeiture of regulated chemicals.

Sec. 202. Study and report on measures to prevent sales of agents used in methamphetamine production.

Sec. 203. Increased penalties for manufacture and possession of equipment used to make controlled substances.

Sec. 204. Addition of iodine and hydrochloric gas to list I.

Sec. 205. Civil penalties for firms that supply precursor chemicals.

Sec. 206. Injunctive relief.

Sec. 207. Restitution for cleanup of clandestine laboratories.

Sec. 208. Record retention.

Sec. 209. Technical amendments.


TITLE IV—LEGAL MANUFACTURE, DISTRIBUTION, AND SALE OF PRECURSOR CHEMICALS

Sec. 301. Transferring methamphetamine penalty increases.

Sec. 302. Penalty increases for trafficking in listed chemicals.

Sec. 303. Enhanced penalty for dangerous handling of controlled substances: amendment of sentencing guidelines.

TITLE V—EDUCATION AND RESEARCH

Sec. 401. Diversion of certain precursor chemicals.

Sec. 402. Mail order restrictions.

Sec. 403. Interagency for methamphetamine task force.

Sec. 501. Public health monitoring.

Sec. 502. Public-private education program.

Sec. 503. Suspicious order task force.

Sec. 504. Incidental handling of controlled substances: amendment of sentence used to make controlled substance.

TITLE VI—MANUFACTURE, DISTRIBUTION, AND SALE OF PRECURED CHEMICALS

Sec. 601. Support for international efforts to reduce manufacture, distribution, and sale.

Sec. 602. Public health monitoring.

Sec. 603. Public-private education program.

Sec. 604. Suspicious order task force.

TITLE VII—RESEARCH AND DEVELOPMENT

Sec. 701. Establishment of the National Methamphetamine Research and Development Institute.

SIGNATURES

H. R. 3852

CONGRESSIONAL RECORD — HOUSE SEPTEMBER 25, 1996

H11111

COMPREHENSIVE METHAMPHETAMINE CONTROL ACT OF 1996

Mr. MOORE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3852) to prevent the illegal manufacturing and use of methamphetamine, as amended.

H.R. 3852

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

SEC. 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Comprehensive Methamphetamine Control Act of 1996." (b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

Sec. 101. Support for international efforts to reduce importation.

Sec. 102. Penalties for manufacture of listed chemicals outside the United States with intent to import them into the United States.

Sec. 201. Seizure and forfeiture of regulated chemicals.

Sec. 202. Study and report on measures to prevent sales of agents used in methamphetamine production.

Sec. 203. Increased penalties for manufacture and possession of equipment used to make controlled substances.

Sec. 204. Addition of iodine and hydrochloric gas to list I.

Sec. 205. Civil penalties for firms that supply precursor chemicals.

Sec. 206. Injunctive relief.

Sec. 207. Restitution for cleanup of clandestine laboratories.

Sec. 208. Record retention.

Sec. 209. Technical amendments.

purposes, and the impact any regulations may have on these purposes; and
(3) comments and recommendations from law enforcement, manufacturers of such chemicals, and users or consumers of such chemicals for legal purposes.

SEC. 203. INCREASED PENALTIES FOR MANUFAC-
TURE AND POSSESSION OF EQUIP-
MENT USED TO MAKE CONTROLLED SUBSTANCES.

(a) IN GENERAL.—Section 403(d) of the Con-
trolled Substances Act (21 U.S.C. 843(d)) is amended—
(1) by striking "(d) Any person' and inserting "(d)(1) Except as provided in paragraph (2), any person''; and
(2) by adding at the end the following: "(2) Any person who violates paragraph (6) or (7) of subsection (a), if the controlled sub-
stance is methamphetamine, shall be senti-
tenced to a term of imprisonment of not more than 10 years, a fine under title 18, United States Code, or both; except that if any person commits such a violation after one or more prior convictions of that person—
(A) for a violation of paragraph (6) or (7) of subsection (a), by
"(B) for a felony under any other provision of this subchapter or subchapter II of this chapter; or
"(C) under any other law of the United States or any State relating to controlled substances or listed chemicals, has become final, such person shall be senti-
tenced to a term of imprisonment of not more than 20 years, a fine under title 18, United States Code, or both."

(b) SENTENCING COMMISSION.—The United States Sentencing Commission shall amend the sentencing guidelines to ensure that the manufacture of methamphetamine in viola-
tion of section 403(d)(2) of the Controlled Substances Act, as added by subsection (a), is adequately punished.

c) TECHNICAL AMENDMENT.—Section 403(d) of the Controlled Substances Act (21 U.S.C. 843(d)) is amended—
(1) by striking "of not more than $30,000' and inserting "under title 18, United States Code'"; and
(2) by striking "of not more than $60,000' and inserting "under title 18, United States Code'."

SEC. 204. ADDITION OF IODINE AND HYDRO-
CHLORIC GAS TO LIST II.

(a) IN GENERAL.—Section 102 of the Con-
trolled Substances Act (21 U.S.C. 802(36)) is amended by adding at the end the following:
"(i) Iodine.
"(ii) Hydrochloric gas.''.

(b) IMPORTATION AND EXPORTATION RE-
QUIREMENTS.—(1) Iodine shall not be subject to the requirements for listed chemicals pro-
vided in section 1018 of the Controlled Sub-

(b) EFFECT OF EXCEPTION.—The exception made by paragraph (1) shall not limit the au-
thority of the Attorney General to impose the requirements for listed chemicals pro-
vided in section 1018 of the Controlled Sub-

(c) PENALTY INCREASES.

SEC. 205. CIVIL PENALTIES FOR FIRMS THAT SUPPLY PRECURSOR CHEMICALS.

(a) OFFENSE.—Section 402(a) of the Con-
trolled Substances Act (21 U.S.C. 842(a)) is amended—
(1) in paragraph (9), by striking "or' after the semicolon;
(2) in paragraph (10), by striking the period and inserting "; or' and
(3) by adding at the end the following: "(11) a firm in violation of any law of the United States for the costs incurred by the United States for the cleanup associated with the manufacture of methamphetamine by the defendant; and
"(12) order restitution to any person injured as a result of the offense as provided in section 3663 of title 18, United States Code.''

(b) IMPORT AND EXPORT ACT.—
(1) LARGE AMOUNTS.—Section 1010(b)(3)(H) of the Controlled Substances Act (21 U.S.C. 801(b)(3)(H)) is amended by—
(A) striking "100 grams or more of meth-
amphetamine,''; and
"(B) striking "1 kilogram or more of a mix-
ture or substance containing a detectable amount of methamphetamine' and inserting "500 grams or more of a mixture or substance containing a detectable amount of methamphetamine'."

(2) SMALLER AMOUNTS.—Section 1010(b)(3)(I) of the Controlled Substances Act (21 U.S.C. 801(b)(3)(I)) is amended by—
(A) striking "10 grams or more of meth-
amphetamine,''; and
"(B) striking "100 grams or more of a mix-
ture or substance containing a detectable amount of methamphetamine' and inserting "50 grams or more of a mixture or substance containing a detectable amount of methamphetamine'."

(c) PENALTY INCREASES.
(B) striking “100 grams or more of a mixture or substance containing a detectable amount of methamphetamine” and inserting “50 grams or more of a mixture or substance containing a detectable amount of methamphetamine.”

SEC. 302. PENALTY INCREASES FOR TRAFFICKING IN LISTED CHEMICALS.

(a) CONTROLLED SUBSTANCES ACT.—Section 403(d) of the Controlled Substances Act (21 U.S.C. 841(d)) is amended by striking the period and inserting the following: “;

(b) CONTROLLED SUBSTANCE IMPORT AND EXPORT ACT.—Section 1003 of the Controlled Substance Import and Export Act (21 U.S.C. 903(d)) is amended by striking the period and inserting the following: ‘;

(c) DETERMINATION OF QUANTITY.—

(1) IN GENERAL.—For the purposes of this section, the quantity of controlled substances that could reasonably have been manufactured shall be determined by using a table of manufacturing conversion ratios for list I chemicals.

(2) TABLE.—The table shall be—

(A) established by the United States Sentencing Commission based on scientific, law enforcement, and other data the Sentencing Commission deems appropriate; and

(B) dispositive of this issue.

SEC. 303. ENHANCED PENALTY FOR DANGEROUS HANDLING OF CONTROLLED SUBSTANCES: AMENDMENT OF SENTENCING GUIDELINES.

(a) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall determine whether the Sentencing Guidelines adequately punish an offense described in subsection (b) and, if not, promulgate guidelines or amend existing guidelines to provide an appropriate enhancement of the punishment for a defendant convicted of that offense.

(b) OFFENSE.—The offense referred to in subsection (a) is a violation of section 403(d), 403(g)(1), 403(a)(6), or 403(a)(7) of the Controlled Substances Act (21 U.S.C. 841(d), 843(g)(1), 843(a)(6), or 843(a)(7)) of a controlled substance for distribution or sale.

(c) DETERMINATION.—The Sentencing Commission shall consider the factors listed in subsection (d)(2).
(2) PHENYLPROPANOLAMINE.—

(A) LIMIT.—

(i) IN GENERAL.—Not sooner than the effective date of this section and subject to the requirements of clause (ii), the Attorney General may establish by regulation a single-transaction limit of 24 grams of phenylpropanolamine base for retail distributors. Notwithstanding any other provision of law, the single-transaction threshold quantity for phenylpropanolamine-containing compounds may not be lowered beyond that established in this paragraph.

(ii) CONDITIONS.—In order to establish a single-transaction limit of 24 grams of phenylpropanolamine, the Attorney General shall determine, following notice, comment, and an informal hearing, that since the date of the enactment of this Act there are a significant number of instances where ordinary over-the-counter phenylpropanolamine products as established in paragraph (45) of section 102 of the Controlled Substances Act (21 U.S.C. 802(45)), as added by this Act, sold by retail distributors as established in paragraph (46) in section 102 of the Controlled Substances Act (21 U.S.C. 802(46)), are being widely used as a significant source of precursor chemicals for illegal manufacture of a controlled substance for distribution or sale.

(B) VIOLATION.—Any individual or business that violates the thresholds established in this paragraph shall, with respect to the first such violation, receive a warning letter from the Attorney General and, if a business, the business or individual shall be subject to a civil penalty not to exceed the amount of the previous civil penalty plus $5,000.

(4) SIGNIFICANT NUMBER OF Instances.—(A) For purposes of this subsection, isolated or infrequent use, or use in insubstantial quantities, of ordinary over-the-counter pseudoephedrine, over-the-counter phenylpropanolamine, or over-the-counter combination ephedrine, and sold at the retail level, for the illicit manufacture of a controlled substance, shall be subject to the control of the Attorney General as the basis for establishing the conditions for establishing a single transaction limit under this section.

(b) In addition to a determination under paragraph (1)(A)(ii), (paragraph (2)(A)(ii), or paragraph (3)(A)(ii), the Attorney General shall consult with the Secretary of Health and Human Services in order to consider the effects on public health that would occur from the establishment of new single transaction limits under this section.

(c) After making a determination under paragraph (1)(A)(ii), paragraph (2)(A)(ii), or paragraph (3)(A)(ii), the Attorney General shall consult with the Secretary of Health and Human Services in order to consider the effects on public health that would occur from the establishment of new single transaction limits under this section.

(5) DEFINITION OF BUSINESS.—For purposes of this subsection, the term "business" means the entity that makes the direct sale to ordinary over-the-counter combination ephedrine products (as defined in section 102(45) of the Controlled Substances Act (21 U.S.C. 802(45)), as added by this Act) to a retail distributor, and does not encompass any parent company of a business not involved in a direct sale regulated by this subsection.

(d) REGULATORY REVIEW.—Any regulation promulgated by the Attorney General under this section shall be subject to judicial review pursuant to section 507 of the Controlled Substances Act (21 U.S.C. 877).

SEC. 502. PUBLIC HEALTH MONITORING.

The Secretary of Health and Human Services shall develop a public health monitoring program to monitor and report on methamphetamine abuse in the United States. The program shall include the collection and dissemination of data related to methamphetamine abuse which can be used by public health officials in policy development.

SEC. 503. PUBLIC-PRIVATE EDUCATION PROGRAM.

(a) ADVISORY PANEL.—The Attorney General shall establish an advisory panel consisting of an appropriate number of representatives from Federal, State, and local law enforcement and regulatory agencies with experience in investigating and prosecuting illegal transactions of precursor chemicals. The Attorney General shall appoint the panel as often as necessary to develop and coordinate educational programs for wholesale and retail distributors of precursor chemicals and supplies.

(b) CONTINUATION OF CURRENT EFFORTS.—The Attorney General shall continue to—

(1) maintain an active program of seminars and training to educate wholesale and retail distributors of precursor chemicals and supplies regarding the identification of suspicious transactions and their responsibility to report such transactions; and

(2) provide assistance to State and local law enforcement and regulatory agencies to facilitate the establishment and maintenance of educational programs for distributors of precursor chemicals and supplies.

SEC. 504. SUSPICIOUS ORDERS TASK FORCE.

(a) ESTABLISHMENT.—There is established a "Methamphetamine Interagency Task Force" (hereinafter referred to as the "Interagency task force") which shall consist of the following members:

(1) The Attorney General, or a designee, who shall serve as chair;

(2) 2 representatives selected by the Attorney General;

(3) The Secretary of Education or a designee;

(4) The Secretary of Health and Human Services or a designee;

(5) 2 representatives of State and local law enforcement and regulatory agencies, to be selected by the Attorney General;

(6) 2 representatives selected by the Secretary of Health and Human Services; and

(7) 5 nongovernmental experts in drug abuse prevention and treatment to be selected by the Attorney General.

(b) RESPONSIBILITIES.—The interagency task force shall be responsible for designing, implementing, and evaluating the education and prevention and treatment practices and information of the government with respect to methamphetamine and other synthetic stimulants.

(c) MEETINGS.—The interagency task force shall meet at least once every 6 months.

(d) FUNDING.—The administrative expenses of the interagency task force shall be paid out of existing Department of Justice appropriations.

(e) FAC.Å.—The Federal Advisory Committee Act (5 U.S.C. 78d) shall apply to the interagency task force.

(f) TERMINATION.—The interagency task force shall terminate 4 years after the date of enactment of this Act.

SEC. 505. INTERAGENCY METHAMPHETAMINE TASK FORCE.

(a) ESTABLISHMENT.—There is established a "Methamphetamine Interagency Task Force" (hereinafter referred to as the "Interagency task force") which shall consist of the following members:

(1) The Attorney General, or a designee, who shall serve as chair;

(2) 2 representatives selected by the Attorney General;

(3) The Secretary of Education or a designee;

(4) The Secretary of Health and Human Services or a designee;

(5) 2 representatives of State and local law enforcement and regulatory agencies, to be selected by the Attorney General;

(6) 2 representatives selected by the Secretary of Health and Human Services; and

(7) 5 nongovernmental experts in drug abuse prevention and treatment to be selected by the Attorney General.

(b) RESPONSIBILITIES.—The interagency task force shall be responsible for designing, implementing, and evaluating the education and prevention and treatment practices and information of the government with respect to methamphetamine and other synthetic stimulants.

(c) MEETINGS.—The interagency task force shall meet at least once every 6 months.

(d) FUNDING.—The administrative expenses of the interagency task force shall be paid out of existing Department of Justice appropriations.

(e) FAC.Å.—The Federal Advisory Committee Act (5 U.S.C. 78d) shall apply to the interagency task force.

(f) TERMINATION.—The interagency task force shall terminate 4 years after the date of enactment of this Act.

SEC. 506. PUBLIC-PRIVATE EDUCATION PROGRAM.

(a) ADVISORY PANEL.—The Attorney General shall establish an advisory panel consisting of an appropriate number of representatives from Federal, State, and local law enforcement and regulatory agencies with experience in investigating and prosecuting illegal transactions of precursor chemicals. The Attorney General shall convene the panel as often as necessary to develop and coordinate educational programs for wholesale and retail distributors of precursor chemicals and supplies.

(b) CONTINUATION OF CURRENT EFFORTS.—The Attorney General shall continue to—

(1) maintain an active program of seminars and training to educate wholesale and retail distributors of precursor chemicals and supplies regarding the identification of suspicious transactions and their responsibility to report such transactions; and

(2) provide assistance to State and local law enforcement and regulatory agencies to facilitate the establishment and maintenance of educational programs for distributors of precursor chemicals and supplies.

SEC. 507. SUSPICIOUS ORDERS TASK FORCE.

(a) ESTABLISHMENT.—There is established a "Methamphetamine Interagency Task Force" (hereinafter referred to as the "Interagency task force") which shall consist of the following members:

(1) The Attorney General, or a designee, who shall serve as chair;

(2) 2 representatives selected by the Attorney General;

(3) The Secretary of Education or a designee;

(4) The Secretary of Health and Human Services or a designee;

(5) 2 representatives of State and local law enforcement and regulatory agencies, to be selected by the Attorney General;

(6) 2 representatives selected by the Secretary of Health and Human Services; and

(7) 5 nongovernmental experts in drug abuse prevention and treatment to be selected by the Attorney General.

(b) RESPONSIBILITIES.—The interagency task force shall be responsible for designing, implementing, and evaluating the education and prevention and treatment practices and information of the government with respect to methamphetamine and other synthetic stimulants.

(c) MEETINGS.—The interagency task force shall meet at least once every 6 months.

(d) FUNDING.—The administrative expenses of the interagency task force shall be paid out of existing Department of Justice appropriations.

(e) FAC.Å.—The Federal Advisory Committee Act (5 U.S.C. 78d) shall apply to the interagency task force.

(f) TERMINATION.—The interagency task force shall terminate 4 years after the date of enactment of this Act.

SEC. 508. INTERAGENCY METHAMPHETAMINE TASK FORCE.

(a) ESTABLISHMENT.—There is established a "Methamphetamine Interagency Task Force" (hereinafter referred to as the "Interagency task force") which shall consist of the following members:

(1) The Attorney General, or a designee, who shall serve as chair;

(2) 2 representatives selected by the Attorney General;

(3) The Secretary of Education or a designee;

(4) The Secretary of Health and Human Services or a designee;

(5) 2 representatives of State and local law enforcement and regulatory agencies, to be selected by the Attorney General;

(6) 2 representatives selected by the Secretary of Health and Human Services; and

(7) 5 nongovernmental experts in drug abuse prevention and treatment to be selected by the Attorney General.

(b) RESPONSIBILITIES.—The interagency task force shall be responsible for designing, implementing, and evaluating the education and prevention and treatment practices and information of the government with respect to methamphetamine and other synthetic stimulants.

(c) MEETINGS.—The interagency task force shall meet at least once every 6 months.

(d) FUNDING.—The administrative expenses of the interagency task force shall be paid out of existing Department of Justice appropriations.

(e) FAC.Å.—The Federal Advisory Committee Act (5 U.S.C. 78d) shall apply to the interagency task force.

(f) TERMINATION.—The interagency task force shall terminate 4 years after the date of enactment of this Act.
September 25, 1996

CONGRESSIONAL RECORD — HOUSE

H11115

Back in October 1995, the Crime Subcommittee held a hearing on the rapidly growing problem of methamphetamine. The testimony given by Federal and State law enforcement witnesses painted a grim picture of a problem that is no longer regional, but national in scope. As communities much like cocaine did in the 1980s,

The witnesses also testified about the unique problems associated with meth. The profits involved in the meth trade are enormous; meth causes longer highs than cocaine, with many users becoming chronic abusers. Meth is processed in clandestine labs, often located in remote areas, making them difficult to detect. Mexican traffickers, now the major force in meth production and trafficking, have established clandestine labs throughout the Southwest, and have saturated the Western U.S. market with high-purity meth, leading to lower prices. The 1994 methamphetamine importation of DEA agent Richard Fass is a sober reminder of the violence associated with meth trafficking. In short, methamphetamine represents a dangerous, time-consuming, and expensive investigation challenge to law enforcement. H.R. 3852 is the most comprehensive congressional effort ever mounted to respond to the meth crisis. It was introduced by Representative HEINEMAN of the Crime Subcommittee, who cannot be with us today because he is busy making a recovery from intestinal surgery. This bill is nearly identical to S. 1965, introduced by Senate Judiciary Chairman HATCH and a large, bipartisan group of Senators, including Senators, BIDEN, DASHIEL and FEINSTEIN.

Representatives RIGGS and FAZIO, also introduced bills almost identical to the one before us today.

On August 7, 1996, the DEA sought to respond to the problem of over-the-counter products containing pseudoephedrine and phenylpropanolamine, or PPA, products from the regulatory control provisions of the Controlled Substances Act. H.R. 3852 achieves the same objectives as the DEA rule by providing for the regulation of over-the-counter products containing PPA when it published a final rule, to take effect on October 7, 1996. The rule would remove the exemption for certain over-the-counter pseudoephedrine and phenylpropanolamine, or PPA, products from the regulatory chemical control provisions of the Controlled Substances Act.

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The Speaker pro tempore, Pursuant to the request of the gentleman from Florida, Mr. Mccollum, I yield myself such time as I may consume.

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. 3852.

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, the Comprehensive Methamphetamine Control Act of 1995 represents a major, bipartisan effort to respond to the national methamphetamine crisis confronting our Nation today.

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, the Comprehensive Methamphetamine Control Act of 1995 represents a major, bipartisan effort to respond to the national methamphetamine crisis confronting our Nation today.
Mr. Speaker, this is a smart, tough bill. The gentlemen from North Carolina [Mr. HEINEMAN] could not be with us today, but he should have been proud, and I know he was, to introduce this bill.

Mr. Speaker, this is a bill that is long overdue and isurgently needed with the epidemic of drug abuse in the country. It is a bill that addresses head-on the challenge of reducing the manufacture and use of methamphetamine rather than prisons, we found that prisons cost five times more and result in much more crime.

A drug study in California showed that 7¢ was saved in prison costs for every dollar put into drug rehabilitation. According to an impact statement, Mr. Speaker, we are going to spend $100 million in additional prison costs if we pass this bill.

Mr. Speaker, those opposing the bill want to return it to the Committee on the Judiciary so that we can seriously address the best way of reducing the use of methamphetamine rather than this last-minute waste of the taxpayers’ money.

So, Mr. Speaker, I would hope that we would save money and reduce crime by defeating this bill.

Mr. Speaker, this has broad bipartisan support and I urge my colleagues in Congressman HEINEMAN’s absence, support this bill, stop the production of speed in this country, and save the future generation of our children. With this legislation, we can do that.

Mr. Speaker, this is a good piece of legislation, Mr. Speaker, this is a smart, tough bill. Meth, or speed, is highly addictive and can cause permanent brain damage. In fact, Mr. Speaker, the 5-year mandatory minimum for crack cocaine has not demonstrated any effect in switching drug users from selling crack to powder cocaine, for which they can get probation for 99 times more drugs.

Mr. Speaker, if we look at the best way of reducing the use of speed, all of the credible evidence indicates that drug treatment is many times more effective and cheaper than mandatory minimum sentences. The impact statement was indicated that the costs of drug court is not only cheaper but more effective in reducing crime. In fact, using rehabilitation rather than prisons, we found that prisons cost five times more and result in much more crime.

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So, Mr. Speaker, I would hope that we would save money and reduce crime by defeating this bill.
Mr. MCCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. WATT], a member of the committee.

Mr. WATT of North Carolina. Mr. Speaker, I rise in opposition to this bill. I represent a number of communities as well as our national Capitol, but it is important to note that anybody who has this amount on their person, just as is the case with crack, is a dealer, is a trafficker, is not simply a user. That message needs to be there. There is no other way you can send a message of deterrence with a minimum mandatory sentence, and I believe in them for limited purposes. This is one of those purposes. That is why it is in the bill.

As far as the process is concerned, we are here today because this is the only way we can get this bill on up in a quick period of time and consider it by the full House with what is left in this session of Congress. We do not want to just accept the other body’s bill. This is our body doing it.

Mr. WATT of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Speaker, I would like to ask of the gentleman is if we are sending a message, has the message worked on crack cocaine? You have not deterred a thing with the failed policies of building more prisons, and so all we are doing now is sending 4 million more on prisons to send some other message that has already failed. This is a failed policy that we are pursuing.

Mr. MCCOLLUM. If I could reclaim my time, if your President would put the resources necessary for interdiction of cocaine coming into this country that are needed and to just say no to drugs and send that message out to the kids, if we had been doing that these last 3 years, we would have a lot better statistics on crack and cocaine and all of the other drugs in this country.

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

Mr. Speaker, the President of the United States is all our President, just as Reagan was my President and Bush was my President. He is my President, not your President.

Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. Cummings].

Mr. CUMMINGS. I thank the gentleman for yielding me this time.

Mr. Speaker, the eradication of drug use and distribution in our communities is one of my highest priorities. Its importance cannot be overstated. The drug epidemic is casting a long, dark shadow over our land. The epidemic that I am referring to is this dramatic increase that we are seeing in the production, distribution, and consumption of methamphetamines.

This measure is not a solution to our drug epidemic. It is an election year politics at the expense of poor, undeserved communities. Mr. Speaker, the gentleman from North Carolina [Mr. Christensen], I rise in strong support of this legislation. I would like to thank my colleague, the gentleman from North Carolina, Congressman HEINEMAN, for his hard work and vision on this piece of legislation.

I think he is in our thoughts, in each one of our thoughts, as he is on his way to a speedy recovery.

Mr. Speaker, there is an epidemic taking place across this country, an epidemic that is casting a long, dark shadow over our land. The epidemic that I am referring to is this dramatic increase that we are seeing in the production, distribution, and consumption of methamphetamines.

This is not an east coast or west coast problem, it is not an urban or rural problem, it is a national problem, and the statistics show an alarming increase in the use of meth.

Overall, the United States has seen an 80-percent increase in drugs under a ballot measure that would inhibit him had he had the chance. In fact, Mr. Speaker, in a national survey released today by the Parents’ Resource Institute for Drug Education, or PRIDE, as it is commonly referred to, shows that teen drug use has hit the highest level in the survey’s 9-year history. An appalling one in five high school seniors now uses illegal drugs on a weekly basis. Almost 1 in 10 high school seniors say the use illegal drugs every single day. Cocaine, crack, methamphetamine, LSD, and heroin all ravage and devastate our communities. Their destruction is undiscriminating. This body should be just as undiscriminating when assessing the penalties for their use. This body should not create drugs of choice by calling for stiffer penalties on some illegal drugs and not for others. The sale, distribution and use of all illegal substances is abhorrent, and I too want to be tough on all illegal drugs, but we must not continue to fill our prisons with poor persons involved in less expensive substances like crack and methamphetamine while the wealthy abusers dealing in more expensive drugs wreak havoc on our communities. This measure is not a solution to our drug epidemic.
from less than 1 pound in 1992 to more than 5 pounds in the first 9 months of 1996. In 1995 law enforcement officials jumped from 23 in 1990 to 370 in 1995. Unfortunately, convictions have not been on that same percentage increase because of slick criminal trial lawyers getting them off on legal loopholes and technicalities. But these are unconscionable statistics. We cannot no longer afford to ignore.

The ingredients used to make this drug are available in States like Nebraska that have a strong agricultural base. Interstate 80 has long been a drug pipeline for methamphetamine. This is a good legislation, and I urge the committee for its passage.

Ms. LOF GREN. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from California (Mr. Fazio), a member of this Subcommittee who has a long history of fighting methamphetamines and an author of a companion bill, H.R. 1998.

Mr. FAZIO of California. Mr. Speaker, I thank my friend, the gentlewoman from California, for her help on this bill and for yielding me time.

Mr. Speaker, I rise today in strong support of the bill before us, H.R. 3852. The Comprehensive Methamphetamine Control Act of 1996 is the product of many hours of complex negotiations between independent representatives, members of the Drug Enforcement Administration, the Department of Justice, and many Members of both the House and the Senate.

Before I speak on the merits of this fine bipartisan legislation, I want to thank a number of individuals: My Senator, DIANNE FEINSTEIN of California; the gentleman from Illinois, Chairman Hyde; Chairman Hatch; the gentleman from Florida, Chairman McCollum; Ranking Member, the gentleman from New York, Mr. SCHUMER, for their work on this bill and for their determination to see this bill passed before the adjournment of the 104th Congress. Also I would like to thank my colleagues and coauthor, the gentleman from North Carolina, Mr. HEINEMAN, for his work on this bill.

Mr. Speaker, I am very proud of the legislation before the House today. For many of us, both in the Congress and in the law enforcement community, this represents the culmination of many years of hard work on this issue.

I have been working on legislative solutions to the problems created by methamphetamine since the 101st Congress, when I introduced the Regulated Precursor Chemical Act of 1990. While we have enacted antismelization legislation in almost every subsequent Congress, the illicit manufacturers and sellers of this drug have remained a step ahead of law enforcement officials devised from ways to produce methamphetamine. In addition, Mexican drug cartels are now involved in the importation of many of the precursor chemicals used to manufacture meth. These cartels present additional problems and burdens for law enforcement, requiring a truly national approach to this problem’s solution.

As a result, production and usage of methamphetamine in the United States has increased dramatically over the last several years. According to the DEA, it has been the most prevalent clandestinely produced drug in the United States since 1979. Unfortunately, much of this production is centered in my home State of California and in the Western and Southwestern States.

Methamphetamine has caused a dramatic escalation in the number of overdoses, emergency hospital admissions, and drug shootings, from America’s largest Western cities to our most rural areas. Crack is more potent, more addictive, and much cheaper. It represents a tremendous challenge. It is a public health and law enforcement crisis of truly epidemic proportions, and we must act now.

I believe this bill, H.R. 3852, offers the right solution to this crisis. It includes tough enforcement provisions which increase the penalties for production and trafficking of methamphetamine, penalties for the possession and trafficking of precursor chemicals and the equipment used to make meth, and more stringent reporting requirements on the sale of products containing precursor chemicals.

The bill also contains provisions which will make a better coordinated international effort, and strengthens provisions against illegal importation of meth.

Finally, this bill requires all levels of law enforcement, in addition to public health officials, to stay ahead of the meth epidemic by creating a national working group which would educate the public on the dangers of meth production and usage.

The story of our failure to foresee and prevent the crack cocaine epidemic is one of the most significant public policy mistakes in our recent history. We now face similar warnings with methamphetamine. We are seeing the destruction of families all across America as a result of the abuse of crack, and we must act now to stop it, for without swift action, this sad history may repeat itself.

The Fazio-Heineman-McCollum legislation is the comprehensive tool that we need to stay ahead of the meth epidemic and avoid the mistakes made during the early stages of the crack cocaine epidemic. I urge all my colleagues to support this much-needed legislation and vote for it this bill, giving the opportunity for it to be taken up for a final vote on the morrow.

Mr. Speaker, I thank my friend from Florida for his assistance in making it possible to bring this bill to the floor.

Ms. LOF GREN. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas, Ms. SHEILA JACKSON-LEE, a distinguished member of our committee.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman for yielding time and thank her for her service on the Committee on the Judiciary.

This is a difficult topic, primarily because all of us face the rising tide of drug use, and I do not think this is now a time to suggest who said, “I just say no,” who said, “I just don’t do it.” All of us who are parents and all of us who are members of our community clearly want to be on the side of expressing to our teenagers, in particular, the devastation of the impact of drug use.

H.R. 3852 has good intentions. Having just listened to an array of leaders in my community at a drug hearing, I do realize that there is cause for concern. But to one a, starting with the special agent of the Drug Enforcement Agency in my community, the U.S. attorney, police officers and, yes, those involved in prevention and treatment, they emphasized more than any other the sentencing that we need to now focus, if you will, on treatment and prevention.

One of the concerns I have about this legislation is that it does not address what we have been discussing with the U.S. Sentencing Commission, a bipartisan commission that argued vigorously to change the disparate sentencing between crack and cocaine. This was ignored by the Republican Congress, for they wanted to leave and go home and beat their respective chests to talk about how they are tough on drugs.

We have young people dying every day. They do not die because we lock up people in jail. We realize that people must be incarcerated. They are dying because we do not have a serious prevention program and education program. We are not getting to the bottom question, of getting those to not buy into slogans, but buy into a commitment to save their lives by staying off drugs.

Methamphetamine is a dangerous drug. So is crack, so is cocaine, and so is heroin. But there must be an opportunity to have our Federal judges have discretion, to penalize those who are suppliers but yet to have some sort of response to those who are addicted, and as well be served by treatment.

I am also here to suggest that we have a major problem in dealing with a real problem in our community, and that is the recognition of the allegations made in the report in the San Jose Mercury newspaper in California, that alleges that individuals associated with the Nicaraguan contra rebel group sold cocaine to gangs in the south central area of Los Angeles. These news articles indicate that the CIA used the proceeds from these drug sales to those weapons to overthrow the Sandinista Government in the 1980’s.

These allegations need to be investigated. Several Members of this House
have gone to the CIA Director requesting the CIA and the Justice Department as well as this House investigate it. I think if we are serious about drug prevention, we will get to the source of those drugs in Los Angeles and other cities around the Nation and emphasize prevention and treatment. That is the way we should go.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, a number of comments have been made, and accurately made, in the course of this debate. The gentleman from North Carolina [Mr. WATT] pointed out that the committee process was truncated midway and this bill brought directly to the floor, and that is the truth. There have been comments made that prevention and treatment is the most effective tool against drugs in America, and I think that it is clear that is true. Our own Governor Wilson's administration released a report last year showing that treatment and prevention efforts were massively more successful in fighting drugs than just pure law enforcement.

However, that does not mean that we should not pass this bill today, and I highly recommend it.

I agree with the speakers who said that sentencing for crack and powdered cocaine should be equalized, I agree with that. But that is also not about this bill.

Unfortunately, speed and methamphetamine is an equal opportunity drug. You will find it being manufactured in suburban and rural areas all across California. It is a very dangerous drug, not only to the users, but to neighborhoods. In my own district, I can recall just a short while ago a lab bursting and exploding into flames, posing threats not only from the scourge of drugs but also to firefighters and police officers and neighbors from the conflagration that ensued.

□ 1830

A lot of people in America do not realize that this bill deals very severely with the precursor drugs that are used by those who would make methamphetamines illegally for sale to the young and others in our communities.

What is that? Well, I sometimes have allergies, especially in the spring, and I must confess I take Sudafed and the generic equivalent with some frequency when that happens, and I like to buy it in the little bottle so I do not have to struggle with the little bubble caps. After this bill is enacted into law we are all going to have to struggle with the little bubble caps, because one of the things we are going to do is to make it harder to buy the precursor chemicals so that people cannot manufacture this drug.

That is going to involve some inconvenience for consumers across this country, including myself, and I think it is a small price to pay in order to take effective efforts against this drug.

As I said at the beginning of this discussion, we have many principled Members on our side who have spoken quite eloquently on the issue of mandatory minimum sentencing. I know each one of these individuals well. I know that perhaps even more than those of us who may not represent areas that have been targeted for drug sales, they and their constituents know the heavy price paid by those who are involved in drugs.

I again respect that the issue over mandatory minimum sentences really says nothing about their concern to fight drugs. I urge that we pass this bill.

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

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

Mr. Speaker, I want to concur with a lot of what the gentlewoman from California just said. This is a bipartisan bill. There are a few disagreements among some of the Members over the minimum mandatory sentences in this bill, but perhaps with some other features in it.

The bottom line though is we need to pass this legislation tonight. We need to get it enacted into law, because methamphetamine, better known as speed, is a really dangerous drug. It is a higher grade than crack, they tell me, than crack cocaine does. It is commonly found, it is pretty darn cheap, and it is manufactured synthetically and manufactured with chemicals, we call them pseudoephedrine, which is a big word, but basically is found in most of our cough and cold medications in the drugstore, the grocery store, whatever.

It takes large quantities of this and normally and historically those large quantities have been acquired through chemical plant sources from abroad or elsewhere, and they have been done illegally and surreptitiously, but more recently we have been seeing the folks in the United States, and that is where this is made usually, going to the drugstore or going somewhere and buying very large quantities of off-the-counter, over-the-counter I should say, off-the-shelf products, and that is not good. We need to stop that.

This bill goes a long way toward stopping that, while still providing access for every American to have their flu and cough medications found in the so-called pseudoephedrine product line.

In addition to that, it takes care of both, and I agree that we have the right kind of sentencing in here. While some may disagree with it, and I have heard somebody say this is penny-ante legislation and somebody else say it is too expensive, I would suggest it is neither one. There is nothing that would be too expensive. In my judgment, to stop the kind of crisis we are getting in this particular drug.

We have already heard about the statistics that are so alarming about our young people tonight, generally with drugs in this Nation. We are seeing this dramatic increase in the last couple of years in 12- to 17-year-olds using drugs, period. Over the last 3 years I
think the figure is close to a 100-per-
cent increase in drug usage among
Teenagers of that age group in this Na-
tion. And it is very, very high with co-
caine, 166 percent in 1 year, while it is
also very, very high with methamph-
tamine, which is becoming a choice drug
over crack as well. Many children are
in some parts of the country than co-
caine.

So tonight's bill is not a small, penny-ante bill. It is not too expensive. It is just right. It is the formula to give our law enforcement community the tools they need to try to stop the use of
methamphetamine and the production of
methamphetamine, better known as speed. If we can give them more tools, there is nothing in this bill that would be too expensive.

Frankly, there is no money involved in this bill. It is a bill, however, that
does contain minimum mandatory sen-
tences. Those minimum mandatory
sentences are very tough because small
quantities, just like with crack, are traffick-
ing quantities of meth. It does not take much to do the job, and I do not think anybody here should be ashamed to vote for 5 years minimum mandatory sentence for somebody caught with 5 grams of this stuff because they are trafficking in it. They are causing hardship and death in some cases to our young people, and they are the villains in this process.

We cannot lock everybody up, but we can do a lot more with the traffick-
ers. If somebody is the big, big, big
drug dealer, we have the death penalty
for that. We have a lot harsher punish-
ment for them. What we need is the
will to go carry out those laws and to
come and do the interdiction, the “just
say no” education programs for young
people, the drug treatment and the
work abroad, where that is necessary, in
a balanced war against drugs.

When we need to come together as a Na-
ton. Country. President Clinton last night
said that we will get on the phone and call those mem-
ers of his own party who say they are
going to block it over these minimum
mandatory sentences. I urge him to do
that tonight, and if he does it, we will
have a bill. I lock up drug traffickers, and
the Nation will be far better as a result
of that and we will have many better
law enforcement tools.

Mr. Speaker, again I urge the passage
of this bill.

Mr. MATSUI. Mr. Speaker, in recent years,
Sacramento County has been increasingly
troubled by the prevalence of the drug meth-
amphetamine. Last year, the Sacramento
Sheriff’s Department made 1,117 arrests for
methamphetamine charges, a number that
greatly exceeded the amount of arrests for co-
caine, marijuana, and heroin combined. The
Sheriff’s Department also discovered and
dismantled seven methamphetamine labs, a sig-
nificant accomplishment but one that drained
the county government approximately $40,000 of its valuable resources.

This year, the Sacramento Sheriff’s Depart-
ment conducted an investigation that led to
the arrest of four individuals and the seizure of
80 pounds of methamphetamine, valued at
$2.9 million. These arrests were the result of
law enforcement challenges posed by
methamphetamine in California and elsewhere
in the United States, this bill represents an ef-
fecive means of attacking its production,
distribution and use. It is my hope that we will
soon here pass legislation that deals with the
result of the country of the terrible consequences of this dangerous drug.

Mr. BLILEY. Mr. Speaker, I rise in support
of H.R. 3852. The legislation increases pen-
aties for trafficking and manufacturing meth-
amphetamine, further action is needed to
first step towards combating methamphet-
amine trafficking, further action is needed to
increase penalties for methamphetamine
manufacturers and traffickers; cracks down on the ability of
rogue companies to sell bulk quantities of pre-
cursor chemicals used to produce methamphetamines. The bill
also establishes an interagency task force to
design, implement, and evaluate methamphet-
amine education, prevention, and treatment
practices.

Section 207 also contains a provision which
permits judges, as a condition of sentencing,
to require those convicted of running an illegal
methamphetamine lab to (1) pay for the costs of cleaning up any toxic wastes, (2) reimburse the
government for any costs it incurs in cleaning up any toxic waste at the site, and
(3) to pay restitution to any person injured by
a release of toxic substances at the site. Un-
like Superfund's system of strict, joint and sev-
eral, and retroactive liability, this is a “polluter
pays” provision which makes sense—some-
one who acts illegally should be held responsi-
able for the costs to clean up the mess that
they made.

I support the legislation; however, I must
point out that the bill has not been fully con-
sidered by the committees of jurisdiction. H.R.
3852 was referred to the Committee on the
Judiciary and the Committee on Commerce. The
Crime Subcommittee has considered the
bill, but the full Judiciary Committee has not;
in addition, the Commerce Committee has not
considered this legislation. Given the limited
time remaining in this session of Congress, I
must act to continue. In doing so, however, the Committee on Com-
merce in no way is yielding any of its jurisdic-
tion on this and other similar matters.

Mr. BEREUTER. Mr. Speaker, this Member
is pleased to support H.R. 3852, the Meth-
amphetamine Control Act. Methamphetamine
is a powerful drug that is relatively easy to
manufacture. The use of this dangerous drug
is escalating rapidly due to its low cost and
highly addictive qualities.

The drug is aggravating and spreading into the
Midwest. According to the Nebraska State Pa-
trol, in 1991, Nebraska had 25 arrests for pos-
session of methamphetamine or delivery. In
1995, there were 374 methamphetamine ar-
rests. This is a 350-percent increase. Commu-
nities along the I-80 corridor are the hardest
hit. The severity of the problem in Nebraska
was highlighted last spring by the tragic death
of a teenager in York, NE, at his prom from
an overdose of methamphetamine. It was a
shock to the governor to call to this demonstrative
county seat community of 7,500 and to all of
Nebraska.

The Methamphetamine Control Act in-
creases penalties for trafficking and manufac-
turing methamphetamine substances or other materials to
produce methamphetamines. It appropriately estab-
lishes mandatory minimum sentences for
methamphetamine trafficking. For trafficking 5
to 49 grams of the drug there will be a 5-year
minimum sentence. The bill requires a 10-year
minimum sentence for trafficking 50 or more
grams. These new penalties are crucial to ef-
forts to decrease the availability of this dan-
gerous and proliferating drug.

In closing, Mr. Speaker, we must pass this bill in the time remaining in Con-
gress. It must also be passed by the Senate
with these tough but appropriate sentencing
provisions so that it can be sent to the Presi-
dent for signature. The Nation must become
serious and effective in combating this very
serious problem. This new law must become law
this year in order to do all we can to fight the
use of this dangerous drug.

Mr. RIGGS. Mr. Speaker, I rise today in
strong support of the Methamphetamine Con-
trol Act of 1996. This is a bipartisan bill de-
signed to combat the production, distribution,
and use of methamphetamine in the United
States.

Methamphetamine poses a serious and
growing public health concern in this country,
and requires immediate attention. While regulations recently promulgated by the
Drug Enforcement Administration provide a
first step towards combating methamphet-
amine trafficking, further action is needed to
close loopholes in those regulations and pro-
vide a more complete law enforcement bill to
tackle methamphetamine in this country.

H.R. 3852 would combat this drug scourge
by giving the law enforcement community the
muscle it needs to fight trafficking in meth-
amphetamine and its precursor chemicals. To
this end, the bill restricts the importation of
methamphetamine and precursor chemicals
into the United States; increases criminal pen-
aties for methamphetamine and precursor chemicals
manufacturers and traffickers; cuts down on the ability of
rogue companies to sell bulk quantities of pre-
cursor chemicals that are diverted to clandest-
ine laboratories for the manufacture of meth-
amphetamine; and expands regulatory en-
forcement of all precursor chemicals used to
make methamphetamine, which, in turn, will
plug a loophole in current Drug Enforcement
Administration regulations that apply only to
a narrow range of products that could potentially
be diverted to illegally manufacture meth-
amphetamine.

Importantly, the Methamphetamine Control Act
addresses these critical law enforcement objectives with the need to protect consumer
access to over-the-counter medicines.

Thus, while imposing measures to decrease
the availability of precursor chemicals, the leg-
islation does not restrict the ability of law-
abiding citizens to use common remedies for
colds and allergies. Nor does the legislation subject
sales of such legal products to onerous record
keeping requirements at the retail level.
Finally, the bill institutes a number of programs to improve and expand existing education and research activities related to methamphetamine and other drug abuse, and to monitor methamphetamine abuse in the United States and improve reporting of suspicious precursor chemical orders.

Mr. Speaker, I have received letters in support of the Methamphetamine Control Act from law enforcement and health officials across California. Among those who have contacted me are Jim Maready, Sheriff-Coroner of Del Norte County, and James Tuso, Sheriff-Coroner of Norte County. Both jurisdictions have experienced increases in violence related to the trafficking and use of methamphetamine.

The tragic death of 14-year-old Raina Shirley in March of this year as the result of methamphetamine furnished to her focused national attention to the problem in Northern California.

As co-sponsor of the original version of Methamphetamine Control Act, I strongly endorse the measure before the House today. H.R. 3852 represents a comprehensive response to this spreading national menace. It is my hope that Congress will move rapidly to enact the bill, and help prevent future tragedies like the one that methamphetamine brought to Raina Shirley and her family.

Mr. Speaker, I include the letters referenced earlier.

COUNTY OF DEL NORTE,
OFFICE OF THE SHERIFF,
Crescent City, CA, September 18, 1996.

Re: Methamphetamine Control Act of 1996.

Congressman Frank Riggs,
Longworth Office Building,
Washington, DC.

Hon. Congressman Riggs: I understand that the Methamphetamine Control Act of 1996 bill is making its way through Congress and came up for mark-up in committee last Wednesday. Ideally, the fewer changes made to the bill, the better. This will help facilitate passage through the Senate.

Methamphetamine at this stage in our society, even in small rural counties, is a growing concern. Methamphetamine toxicity after being furnished the drug can be fatal. Specifically, 14-year-old Raina Shirley in March of this year as a result of methamphetamine furnished to her brought national attention to our small county due to the circumstances surrounding her disappearance and death. As you know, the young people of today are still being influenced by drug use, which often takes place in their communities.

Here in our county, the Mendocino County Major Crimes Task Force has conducted 822 investigations involving methamphetamine during Fiscal Years 1992-1993, 1993-1994, 1994-1995, and 1995-1996. From these investigations, 729 arrests were made and 58 clandestine laboratories were seized.

Methamphetamine Arrests

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Total: 719

Of the total number of all narcotics investigations conducted by the Mendocino County Major Crimes Task Force during this time period (1357), 61% were directly related to methamphetamine.

Methamphetamine Seized

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Total: $2,001,208

Like other jurisdictions, Mendocino County has experienced an increase in violence related to the use and trafficking of methamphetamine. Our most heinous act of violence occurred on August 23, 1993, when 21 year old Gaild Trever Harden shot and killed his mother, father, sister, and 16 month old niece while under the influence of methamphetamine. He then took his own life.

The tragic death of 14-year-old Raina Bo Shirley in March of this year as a result of the ingestion of methamphetamine furnished to her brought national attention to our small county due to the circumstances surrounding her disappearance and death. As you know, the young people of today are still being influenced by drug use, which often takes place in their communities.

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report on the conference report to accompany the bill (H.R. 1296), to provide for the administration of certain Pre- 
sidio properties at minimal cost to the 
Federal taxpayer, which was referred to 
the House Calendar and ordered to be 
printed.

DRUG-INDUCED RAPE PREVENTION 
AND PUNISHMENT ACT OF 1996

Mr. McCOLLUM. Mr. Speaker, I move to suspend the rules and pass the 

Bill H.R. 4137 to combat drug-facili- 
tated crimes of violence, including 
sexual assaults.

The Clerk read as follows:

H.R. 4137

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

SECTION 1. SHORT TITLE. This Act may be cited as the “Drug-Induced 
Rape Prevention and Punishment Act of 1996”.

SEC. 2. USE OF CONTROLLED SUBSTANCES TO 
COMMITT SEXUAL ASSAULT CRIMES OF VIOLENCE

Section 404 of the Controlled Substances Act (21 U.S.C. 841) is amended by inserting "a person convicted under this subsection for the possession of a mixture or substance containing a detectable amount of a controlled substance, with the intent to administer such mixture or substance to another person to facilitate a crime of violence, as defined in section 16 of title 18, United States Code, (including a sexual assault) against that per- son, shall be fined under title 18, United States Code, or imprisoned not more than 15 years, or both, and if the victim or intended victim of the crime of violence is age 14 or under, shall be imprisoned not more than 20 years, and after ‘Notwithstanding the pre- 
ceeding sentence,”

SEC. 3. ADDITIONAL PENALTIES RELATING TO 
FLUNITRAZEPAM.

(a) General Penalties.—Section 401 of the Controlled Substances Act (21 U.S.C. 841) is amended—

(1) in subsection (b)(3)(A)—

(A) by striking "or" at the end of clause "vii.

(B) by inserting "or" at the end of clause "vii.

(c) by inserting after clause "vii.

(fix) 1 gram or more of flunitrazepam;"

(B) in subsection (b)(3)(B)—

(A) by striking "or" at the end of clause "vii.

(B) by inserting "or" at the end of clause "vii.

(C) by inserting after clause "vii.

(fix) 100 mg or more of flunitrazepam;"

and

(D) in subsection (b)(3)(C), by inserting "or flunitrazepam" after “or II.”

(b) IMPORT AND EXPORT PENALTIES.—

(1) Section 1009(a) of the Controlled Sub- 
stances Import and Export Act (22 U.S.C. 4019(a)) is amended by inserting "or flunitrazepam" after “or II.”
(2) Section 101(b) of the Controlled Substances Import and Export Act (21 U.S.C. 901(b)) is amended—
  (A) in paragraph (1)—
  (i) by striking "or" at the end of subparagraph (G);
  (ii) by inserting "or" at the end of subparagraph (H);
  (iii) by inserting after subparagraph (H) the following:
    "(I) 1 gram or more of flunitrazepam;" and
  (B) in paragraph (2)—
  (i) by striking "or" at the end of subparagraph (G);
  (ii) by inserting "or" at the end of subparagraph (H);
  (iii) by inserting after subparagraph (H) the following:
    "(I) 100 mg or more of flunitrazepam;" and
  (C) by inserting "or flunitrazepam" after "I or II.

(3) Section 101(b)(4) of the Controlled Substances Import and Export Act is amended by inserting "flunitrazepam" after "III, IV, or V.

SEC. 4. SENTENCING GUIDELINES.

Pursuant to its authority under section 904 of title 28, United States Code, the United States Sentencing Commission shall review and amend the sentencing guidelines for offenses involving flunitrazepam. The Commission shall submit to Congress a summary of its recommendations as to such rescheduling, to determine whether to reschedule flunitrazepam, and the drug was found almost exclusively in the Dade County area. By 1995, the number of cases had escalated to in excess of 400. Moreover, as law enforcement encounters indicate, this drug has now spread all over the State of Florida.

This drug has been frequently found at nightclubs and college parties. It is also horrifying to learn that distribution of this drug has been discovered at junior and senior high schools in Florida, as well as in numerous other states. The drug has also been adopted by street gang members across the country. In Texas, street gangs have been known to administer Rohypnol to females in order to commit gang rape as part of the initiation into a gang.

Although it is approved in other countries for short-term treatment of anxiety and sleep disorders, this drug is not currently approved by the Food and Drug Administration for marketing in the United States. According to the Drug Enforcement Administration, Rohypnol is being smuggled from Mexico and other Latin America countries.

This drug is currently listed as a Schedule IV drug on the Controlled Substances Act. Schedule IV drugs are drugs with accepted medical uses and low potential for abuse. The DEA has suggested that the drug be moved to Schedule III, which has no currently accepted medical uses in the United States and which have a high potential for abuse. The difficulty in deciding whether to reschedule flunitrazepam is that the drug has some accepted medical uses—it is prescribed legally in 64 other countries. This bill will substantially increase the penalties for manufacturing or distributing flunitrazepam, to give law enforcement the muscle it needs to prosecute drug traffickers. The bill also directs the Administrator of the DEA to conduct a thorough study on the appropriateness and desirability of rescheduling flunitrazepam to a Schedule I

controlled substance. The Administrator is given 6 months to conduct this study, and I fully expect Congress to revisit this issue when that report is completed. As chairman of the Crime Subcommittee, I intend to hold a hearing on the DEA’s report shortly after it’s received.

It is entirely possible that other drugs may now exist, or may come along in the future, which have the same properties as Rohypnol. This legislation addresses those drugs, by making it illegal to possess a controlled substance with the intent to administer that substance to facilitate a crime of violence. If a victim is under the age of 14, the penalties are even higher. This bill ensures that whatever new “date-rape drug” may come along, the penalties are there for any sexual predator who may try and use it.

The bill also directs the Sentencing Commission to recommend additional penalties for the distribution of various forms of flunitrazepam, and authorizes the Attorney General to create educational materials regarding the use of controlled substances in furtherance of rapes.

Mr. Speaker, I have a short time left in this Congress, and it would be a tragedy if we did not pass such a significant and important piece of legislation. This bill can help put a stop to the abhorrent practice of incapacitating a woman for the purpose of sexual assault. I commend the gentleman from New York [Mr. Solomon] for being the force responsible for getting this bill to the floor today. I strongly urge my colleagues to support this bill.

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

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

Mr. Speaker, I rise in support of the bill, even though I believe that it does not go far enough.

Mr. Speaker, this bill is aimed at an alarming growth in the domestic abuse of a drug popularly known as “the date rape drug.”

This drug, technically known as flunitrazepam is a sedative and a hypnotic. Although it is marketed abroad, it is not legally available in the United States.

It is marketed under a variety of trade names, the most widely used being Roche Pharmaceutical’s “Rohypnol.” It is known on the street by slang names such as “roßies,” “ropies,” and “ropes.”

Rohypnol enters this country through a variety of channels, and substantial evidence of abuse has emerged. This abuse includes use by high school teenagers and college students to increase and prolong highs from alcohol; use by heroin addicts to boost heroin highs; use by cocaine users to paralyze down from a cocaine binge, and use by law enforcement officials in the commission of rape. This abuse has earned it the infamous names of the date rape drug.

The use of Rohypnol in rape stems from the fact that the drug—especially
Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas [Ms. JACKSON-LEE].

Mr. Speaker, I thank the gentleman from New York, Mr. SCHUMER. And might I say that there is much to say about this bill I will certainly contain my remarks.

This is a very serious matter that is made more serious by a recent incident in my community. I hope this brings home the importance of this legislation, albeit I am concerned with the mysterious way that it has changed from being a schedule 4 circumstance to a schedule 1.

That is, a young lady, a teenager, healthily inclined and attractive, respected in her community, had much life before her, tragically lost her life in the last 2 months because of a so-called date rape drug.

Having come home from a volleyball camp and just wanting to spend some time with her friends at one of the local teen centers, where no alcohol, might I say, was served, but having spent a few hours there and drinking whatever the soft drinks were that were there, went home about one midnight and failed to wake up. The tragedy was even prolonged, for it took a month before it was determined, the cause of death.

All of her family members were shocked. They certainly knew that this was not a drug abuser, and they certainly knew that this young lady had much to live for. But tragically, it was determined, after law enforcement notified some of the officials dealing with the autopsies, that she had just ingested this so-called date rape drug, and there it was, that this particular healthy teenager died because of a tragic use of this type of drug.

So it is very important to recognize that we can say just do not do it, but this is a drug that needs the pointed focus of this House of Representatives.

The drug is odorless, it is colorless, it is tasteless, and it causes sedation and euphoric effects within 15 minutes. In the instance in my community, this young lady had a terrible headache. Afraid to tell her parents what had happened, that she had been out when she should have been at home, she tragically went to bed and did not wake up.

The effects are boosted further by alcohol use or marijuana. Most offensively, this particular drug has become a tool of predators who spike the drinks of unsuspecting women and then rape them. In this instance, that did not occur. But tragically, this is what occurs on many occasions. So we must recognize the dangers of the Rohypnol drug.

The FDA has begun the administrative process of moving this drug from schedule 4 to schedule 1, to put the drug in the same category that carries the same penalties as LSD and heroin. But, unfortunately, we found that even after this bill passed through the Committee on the Judiciary, it seems to have been reworded and reworked, and so this drug today remains a schedule 4 drug, not because anyone actually believes it is safe as the other schedule 4 drugs, but because a drug like this company has successfully lobbied, to the detriment of women and girls across the country.

I will simply say, Mr. Speaker, that I certainly have the confidence that we will go back and correct this. I certainly hope the life of this young, and vigorous young lady, does not go in vain. I also hope that we add to this effort certainly the importance of prevention and education, programs like the Safe and Drug-Free schools, DARE programs, explaining to our teenagers that the utilization of any drug is not the way to go, but recognizing that the date rape drug is usually dropped on an unsuspecting victim.

It is important that we focus on this drug, focus on this legislation, and in fact, maybe at another day, emphasize the level that it should be at, which should be schedule 4.

I thank the gentleman for his kindness and leadership, and I thank the chairman for his work in passing this legislation through. I am just concerned that we move it to a stronger penalty at this time.

Mr. Speaker, I rise today in support of H.R. 4137. Unfortunately, violence against women is a major problem in our country today and one of its most devastating forms is that of date rape. While this crime has plagued us for a long time, it is the emergence of a drug called Rohypnol, which was the catalyst for this legislation. This legislation also applied to “GHB” another such drug that caused the recent tragic death of a teenager in Texas.

To reiterate for my colleagues, Rohypnol is a drug used in many foreign countries for the treatment of tension, stress and insomnia, but it has not been certified for prescription in the United States. This is a drug almost identical to other FDA approved drugs currently prescribed by doctors in the U.S. and has several legitimate and practical uses.

Regardless, like many other illegal drugs, it is now being smuggled in from Mexico and violence against women is a battle in whatever form it takes. This bill is only another battle in the long, arduous war that we are fighting and that we will one day win.

Mr. McCOLLUM. Mr. Speaker, I yield some time as he may consume to the gentleman from New York [Mr. SOLOMON], the author of this legislation.

Mr. SOLOMON. Mr. Speaker, I thank the chairman, and I commend the chairman of the Subcommittee on Crime, the gentleman from Florida, Mr. BILL McCOLLUM, for the outstanding job he does as chairman of that subcommittee and particularly for his support dealing with this heinous crime of date rape.

I would also like to commend my colleague, the gentlewoman from New York, Ms. SUSAN MOLINARI, for her recognition of this problem and her sponsorship of the bill to punishing people who use this drug to commit rape.

Also, I would like to thank the gentleman from Georgia, Mr. BOB BARR, for his support and the gentleman from North Carolina, Mr. FRED HEINEMAN, a young marine, 45 years ago, that went through boot camp with me, for his assistance with this bill in the committee. Unfortunately, Mr. HEINEMAN is ill and recovering from surgery and could not be here to lend his support tonight.
Mr. Speaker, the use of any illegal drug as a tool to commit sexual battery and rape is as loathsome as using a weapon. It seems to me that this kind of manipulative drug use is just as dangerous and just as loathsome as holding someone hostage, as it should be treated and should be dealt with accordingly.

That is what we are attempting to do with this legislation.

In response to the growing use of date rape drugs and the use of other drugs in violent sex crimes against women, children, and elderly, there is a need for the appropriate response. This is a problem today and it continues to be a real concern for law enforcement, for drug counselors, for teachers and parents.

Our bill increases the maximum penalty to 15 years in prison for using any controlled substance to commit a crime of violence, and greater penalties are imposed on someone who is sick enough to use the drug to rape a victim 14 years younger.

This legislation marks the first time, the very first time, the use of a controlled substance will be viewed as a weapon anywhere in the United States. That is the importance of this legislation. That is why we must focus on the criminal intent of the individual possessing that drug.

Mr. Speaker, it is important to point out that illegal drugs have been at the very root of the social ills facing our society today. Consider this fact: Mr. Speaker: Approximately 75 percent of all of the violent crimes in America today are committed by drugs related, 75 percent. In other words, in three out of four violent crimes against women and children, some irresponsible adult or juvenile is getting high on drugs and then committing a despicable act against a helpless woman or child.

That is bad enough. But this bill focuses even more on sinister problems, another kind of low-life who uses drugs as a weapon against unsuspecting, helpless women or young girls, someone who fully intends to commit an act of sexual battery against another with the help of a controlled substance. Mr. Speaker, there are literally dozens of drugs, especially sedative, hypnotic drugs, that could be combined with alcohol and used to commit such a crime.

Our bill is not limited to punishing one particular drug. There is no one date rape drug. Earlier this year we heard the reports of how the drug, Rohypnol, known on the streets as roofies, was being slipped into the drinks of unsuspecting women with the intent to lure them to their doom. This is an extremely disturbing trend, our bill increases the penalties for possessing drugs like Rohypnol to levels comparable to cocaine, heroin, and LSD. The bill also requires the DEA to study whether Rohypnol should be moved to schedule 1 and to submit a report to Congress with its recommendations within 6 months. Regardless of the end result on the side issue of rescheduling, the public at large will be protected now with stiffer penalties imposed for possession.

Mr. Speaker, any drug like Rohypnol that is odorless, colorless, tasteless, which renders someone defenseless, potentially could be the next date rape drug. For instance, I have an article which appeared on the September 11 issue of the San Francisco Chronicle. This article describes how a young 17-year-old girl died after someone slipped a drug called gamma hydroxybutyrate into her drink.

That particular drug is not even a controlled substance; it is an allowed drug in this country. Yet that drug is an odorless and almost tasteless drug that was slipped into an unsuspecting victim’s drink, and, in this sad case, she did not even survive. This is exactly why we must have an approach that is broader that just one drug. This is why we must be careful not to fool ourselves by branding a particular the date rape drug. We need to go after all of them.

The bill before us today is a common sense, tough response by this Congress to protect the safety and sanctity of young women and children. It sends a very powerful message to any sex offender, anywhere, and any other violent criminal, that for that matter, that you will get the book thrown at you for using these kinds of drugs in committing a crime of rape.

So on behalf of Congressman Fred Heineman, the major cosponsor of this bill, and chairman Bill McCollum, I ask Members to vote yes on this vital legislation that will stop this heinous crime of date rape. I really do appreciate the support of Bob Barr, who now has taken over management of this bill, for his strong support for the bill.

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

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

Mr. Speaker, much has been said quite eloquently, most recently by the gentleman from New York, about the background of this legislation and why it is necessary. I would simply like to take a few moments to commend him, to commend the chairman of the Subcommittee on Crime, Mr. McCollum, to commend the other cosponsors of this legislation on both sides of the aisle, for putting forward a piece of legislation in a bipartisan manner with broad-ranging support which it deserves.

Mr. Speaker, the ability or the imagination of drug abusers and criminals to figure out or fashion or come up with or imagine new ways of using controlled substances, mind-altering drugs, that is, is unfortunately limitless. The Congress of the United States, therefore, Mr. Speaker, needs to be vigilant in working with our law enforcement officials to identify these new problems as they develop, not all of which can be foreseen, to maintain the ability to respond to the challenges posed by new and dangerous uses of drugs and the development of new drugs, given the state of technology to manufacture new drugs.

We have to do so, Mr. Speaker, in a way that addresses a specific problem yet maintains the proper jurisdictional bases and the proper concept of federalism in the developing of that new legislation to meet these new challenges posed to law enforcement.

This piece of legislation before us today, Mr. Speaker, is an example. I believe, of how to responsibly meet that challenge in a very timely manner and without running afoul of important concepts of federalism. A problem was identified. It has become a crisis to law enforcement. They have come to the Congress, citizens have come to this Congress, and said there is a problem here, please help us. We have met that challenge in a bipartisan manner, Mr. Speaker, in a way that does not expand federal jurisdiction. It just recognizes that there is a new facet of existing Federal jurisdiction.

I was very honored last week to propose this amendment to a piece of legislation then under consideration in the Committee on the Judiciary, and working with the gentleman from New York [Mr. SOLOMON], with the gentleman from Florida [Mr. MCCOLLUM], with the gentlewoman [Mrs. SCHROEDER], and with others, we were able to put this national issue before the Committee on the Judiciary in such a way so that it obtained the support by voice of that great committee.

We have before us today that piece of legislation, which obviously has bipartisan support, as it enjoyed bipartisan last week in the Committee on the Judiciary, and I would ask for its favorable consideration.

Mrs. KELLY. Mr. Speaker, I rise in strong support of H.R. 4137, legislation which seeks to address the growing and disturbing problem of drug-induced date rape.

Mr. Speaker, rape, regardless of the circumstances, is a terrible act of violence
against women. But what is particularly troubling is a growing trend of sexual violence against women who are unknowingly drugged and then sexually assaulted. Sexual predators have found a dangerous weapon in certain kinds of drugs, and we must recognize and respond to this growing problem.

H.R. 4137 will increase criminal penalties for the possession of certain drugs with the intent to use them to commit crimes of violence, including rape, against another person. The bill puts special emphasis on a drug known as Rohypnol or “roofies,” which is commonly used in date rape cases, and also directs the Justice Department to make available educational materials on the use of drugs in rape and sexual assault cases.

Mr. Speaker, the Drug-Induced Rape Prevention and Punishment Act sends a clear message that we will not tolerate crimes of violence against women. I urge my colleagues to join me in supporting this important legislation.

As my colleagues know, the incidence of violence against women continues to escalate daily. Criminals and would-be criminals keep finding new ways to victimize women. This bill represents one of the many steps that need to be taken in order to help stop the violation of innocent women. I urge my colleagues to support this legislation.

First and foremost this legislation would impose tough minimum sentences on first-time offenders who distribute what are referred to as “date-rape drugs” with the intent to rape. This is only right, Mr. Speaker. These drugs render women helpless. When criminals administer drugs like Rohypnol, their victims are not aware it has been added to their drinks because the drug is tasteless and odorless.

Rohypnol is intended for use in treating people suffering from alcohol withdrawal. By most accounts, Rohypnol is currently the drug of choice for sex offenders. It is powerful, it is odorless, it is tasteless, and it is cheap. This issue is not just confined to Rohypnol, however: Alcohol has always been and probably will remain the primary date-rape drug.

The real problem here is sex offenders—and we know that if they cannot get Rohypnol they will use something else. That is why H.R. 4137 applies schedule I penalties for the possession of Rohypnol, and also imposes tough penalties on sex offenders who use other drugs to render their victims helpless. Think about your daughters and support this bill.

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

The SPEAKER pro tempore (Mr. Dickey). 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. 4137.

The question was taken.

Mr. SOLOMON. 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.
SEC. 103. EXTENSION OF CERTAIN ADJUDICATION PROVISIONS.

The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—
   (A) in subsection (b)(3), by striking "and 1996", "and 1997", and "and 1998" each place it appears and inserting "and 1999";
   (B) in subsection (c), by striking out "October 1, 1996" each place it appears and inserting "October 1, 1997"; and
   (C) by amending subsection (f)(2) by striking out "September 30, 1996" and inserting "September 30, 1997".

SEC. 104. PERSECUTION FOR RESISTANCE TO COERCIVE POPULATION CONTROL METHODS.

(a) DEFINITION OF REFUGEE.—
   (1) Section 101(a)(42) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(42)) is amended by adding at the end the following:

   "(1) Subject to the availability of appropriations, for fiscal year 1997 at least 30 scholarships shall be made available to Tibetan students and professionals who are outside Tibet, and at least 15 scholarships shall be made available to Burmese students and professionals who are outside Burma.

   (2) SCHOLARSHIPS FOR TIBETANS AND BURMESE.—
      (A) In carrying out programs of educational and cultural exchange in countries whose government has taken appropriate action to eliminate child slavery in Mauritania under—
         (1) the enactment of anti-slavery laws that provide appropriate punishment for violators of such laws; and
         (2) the rigorous enforcement of such laws.
   (B) DEFINITIONS.—For purposes of this section, the following definitions apply:
      (1) ECONOMIC ASSISTANCE.—The term "economic assistance" means any assistance under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), except that such term does not include humanitarian assistance.
      (2) MILITARY ASSISTANCE OR ARMS TRANSFERS.—The term "military assistance or arms transfers" means—
         (A) assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.; relating to military assistance), including the transfer of excess defense articles under sections 316 through 319 of that Act (22 U.S.C. 2321) through 2323; or
         (B) assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.; relating to military education and training).
      (C) assistance under the "Foreign Military Financing Program" under section 23 of the Arms Export Control Act (22 U.S.C. 2763); or
      (D) the transfer of defense articles, defense services, or design and construction services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), including defense articles and defense services licensed or approved for export under section 38 of that Act (22 U.S.C. 2778).

   The SPEAKER pro tempore, Pursuant to the rule, the gentleman from New Jersey [Mr. SMITH] and the gentleman from Virginia [Mr. MORAN] each will control 20 minutes.

   The Chair recognizes the gentleman from New Jersey [Mr. SMITH].

   (Mr. SMITH of New Jersey asked and was given permission to revise and extend his remarks.)

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

   Mr. Speaker, I first of all want to thank the gentleman from Florida [Mr. MERRY] for allowing us to sandwich our bill because of a scheduling conflict in between his other bills that are scheduled and to especially thank the gentleman from Virginia [Mr. MORAN] for graciously agreeing to be here tonight to do just as us in hopefully passing this important legislation.

   Mr. Speaker, very briefly, this legislation is nine provisions, human rights and refugee related. It is a bipartisan bill. It is cosponsored, I am happy to say, by our committee chairman, full committee chairman, the gentleman from New York [Mr. GIAMATTI], the ranking member, the gentleman from Indiana [Mr. HAMILTON], the gentleman from California [Mr. LANTOS], who is ranking on my Subcommittee, the gentleman from California [Mr. BERNMAN], the gentleman from Illinois [Mr. HYDE], the gentleman from Florida [Ms. ROS-LEHTINEN], the gentleman from Pennsylvania [Mr. GOODLING], and others.
It is a consensus bill about what needs to be done in a number of important human rights areas. It also provides some authorities that the State Department would like to have, one especially dealing with machine readable fees to finance border security programs to pay for the U.S. Department of Homeland Security and an authority of the United States to stabilize the channel of the Rio Grande River in accordance with international agreements, and there are also some provisions dealing with USAID.

Mr. Speaker, I do think it is a good bill, and again I ask to put my full statement into the RECORD. The statement referred to is as follows:

Mr. Speaker, I am pleased to begin this discussion of the Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996. This act, which I am proud to sponsor along with Ben Gilman, Lee Hamilton, Tom Lantos, Howard Berman, Henry Hyde, Ileana Ros-Lehtinen, and Bill Goodling, consists of nine provisions that were originally included in H.R. 1561, the Foreign Relations Act for Fiscal Years 1996 and 1997, which was passed by the House and Senate last year.

Several provisions of the act extend or enhance authority to conduct important programs that are already underway. Two of these authorities relate to the security of our Nation’s borders: The State Department’s authority to use machine readable fees to finance its Border Security Program at no cost to U.S. taxpayers, and the authority of the United States to stabilize the channel of the Rio Grande River in accordance with international agreements.

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

The act extends for 1 year the current law relating to certain high-risk categories, such as Jews and evangelical Christians from the former Soviet Union and Southeast Asians who have suffered persecution for their wartime associations with the United States. It also clarifies the law with respect to forced abortion, forced sterilization, and persecution on account of resistance to such forced procedures. It requires periodic reports on the Castro government’s methods of enforcing its immigration agreements with the United States and its treatment of people returned to Cuba in accordance with these agreements.

Finally, the act provides that the United States should not give foreign assistance, other than humanitarian assistance, to Mauritania unless that country rigorously enforces its laws against human chattel slavery. This is a vicious form of persecution—it involves racial discrimination against blacks, religious persecution of Christians, and the worst forms of degradation of women and children. The policies of our Government toward Mauritania must be calculated to put a speedy end to this heinous practice. None of these sections was a source of controversy in the conference or on the House or Senate floor, and none was alluded to in the statement accompanying the President’s veto of H.R. 1561. Several sections have been modified slightly to address concerns expressed by the administration. The act does not authorize expenditures for foreign assistance. We have worked with the administration and with Democrats on the International Relations Committee to meet their concerns. I have been assured that the administration does not oppose this bill and that it actively supports several important provisions of the legislation.

Major provisions of this bill are also supported by a broad range of human rights organizations and other groups including the Jewish Telegraphical Agency, the Hebraic Immigration Aid Society, the Union of Councils for Soviet Jewry, the Lawyers Committee for Human Rights, the U.S. Committee for Refugees, the United States Catholic Conference, the Christian Coalition, the Family Research Council, and the International Campaign for Tibet.

I urge a “yes” vote on this important human rights bill.

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

Mr. PORTER. Mr. Speaker, H.R. 4036 was introduced by my friend, the chairman of the Subcommittee on International Operations and Human Rights, the gentleman from New Jersey [Mr. Smith]. As a result, the minority has no objections on an unanimous consent basis. I urge a “yes” vote on the bill.

Mr. GILMAN. Mr. Speaker, H.R. 4036 was introduced by my friend, the chairman of the Subcommittee on International Operations and Human Rights, the gentleman from New Jersey [Mr. Smith]. I want at this time to thank him once again for his steadfast support in Committee during this very eventful Congress.

This bill consists largely of items culled from the conference report on H.R. 1561 that help enforce human rights around the world or make other, needed changes to the laws involved in the foreign relations of the United States.

Among the matters that are taken up are the extension of the so-called Lautenberg amendment, which provides for expedited consideration for Christians and Jews still in jeopardy in parts of the former Soviet Union, extending the authority for the State Department to collect the special machine readable visa fee which goes for border security operations, extending certain authorities for the International Boundary and Water Commission’s operations on the U.S.-Mexican Border, and several human rights provisions relating to Mauritania and other places.

This bill has wide, deserved support and I commend the gentleman from New Jersey for his perseverance in shepherding it to this point. I urge my colleagues to support the bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 4036, the Human Rights, Refugees and Other Foreign Relations Provisions Act. I support the provisions of the bill that reduce the discretion of U.S. immigration officials to deport to Mauritania individuals who claim coercion by a foreign government to participate in population control programs. This provision will make it easier for immigrants to claim asylum on this basis.

Furthermore, I support the provision on economic and military assistance to the Government of Mauritania unless our President certifies that Mauritania has taken action to eliminate slavery.

Another important provision of the bill orders the President to submit reports to Congress regarding the voting record of the U.N. Commissioners on Human Rights on country-specific resolutions. We need to continue to make human rights a major factor in the formulation and implementation of our foreign policy. The President’s report must also include information on each country’s effort to protect refugees.

With respect to human rights, I would have preferred that the bill contain provisions relating to human rights problems in Ethiopia. While the current government in Ethiopia is much better than the previous government in the area of human rights, there is still much work to be done. I am concerned by reports that academicians, journalists and opposition leaders are being persecuted for their beliefs and efforts against the current government. The Department should continue to carefully monitor human rights progress in Ethiopia as we allocate funding to Ethiopia in fiscal year 1997.

I urge my colleagues to support this legislation.

Mr. PORTER. Mr. Speaker, I am pleased to rise in support of this legislation which would ensure passage of several important provisions which are included in the Immigration Bill. Should bipartisan differences continue to hold up the Immigration Bill, we will still be able to address the important issues of U.S. support to Tibetan and Burmese exiles and reclassification of resistance to reproductive persecution as constituting political persecution under the refugee definition. In addition, this bill will provide continued authorization for one of the most successful aspects of our refugee and asylum law: the protection of high risk refugees such as Soviet Jews.

These measures have already received the support of this House in other legislation. H.R. 4036 will provide a stop-gap to ensure their continuation. I urge my colleagues to support this most worthwhile legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I urge a “yes” vote on the bill.
Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4036, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey? There was no objection.

TELEMARKETING FRAUD PUNISHMENT AND PREVENTION ACT OF 1996

H.R. 1499

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. 4036, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey? There was no objection.

TELEMARKETING FRAUD PUNISHMENT AND PREVENTION ACT OF 1996

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The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey? There was no objection.
and his dedication to protecting the elderly who are being preyed upon by greedy, heartless crooks is truly admirable. I am very sorry that he is unable to be here to see the fruits of all his efforts, and I urge my colleagues to support the bill.

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

Mr. Speaker, I rise in support of the bill. This bill strikes at one of the most cynically despicable activities in America aimed against older Americans. The unscrupulous crooks who run the schemes that this bill aims at has stolen the life savings of scores of honest, hard-working older Americans. They have driven thousands of others deep into debt. These con artists have turned years of enjoyment into hellish nightmares. Unfortunately, many of these schemes operate not only across State lines, but even across international boundaries. Often the Federal Government has the resources and the jurisdictions to stop a given fraud scheme and punish its perpetrators.

This bill gives the Federal Government additional tools to go after those who prey on our parents, grandparents and other older Americans. It allows for criminal forfeiture of property used in such schemes, enhances penalties in cases of telemarketing fraud aimed at persons over 55 years of age, and directs the Sentencing Commission to develop a few additional tools to go after the individuals who are being preyed upon by those with sinister motives. I congratulate the chairman for working with us on this measure, and I urge my colleagues to support it.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas [Ms. JACKSON-LEE], a distinguished member of the committee.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise for one, to pay tribute to the introduction of this legislation as I rise to support H.R. 1499. Not only does it respond to the humiliation that occurs through our senior citizens in their sunset years of which they may be active in community life, but yet somehow intimidated by those who might prey upon them through telephone fraud. It also impacts the mentally retarded or physically or mentally challenged and other vulnerable consumers.

I believe that most of us, as we travel about our districts, it is some of the tragic stories that occur from some of the overly aggressive telemarketing efforts to prey upon those individuals that will be easily vulnerable to such efforts. And I think that this legislation helps give a minimal amount of support to those individuals who might clearly have lost their way, well-intended, wanting to be kind, generous in spirit, and yet being preyed upon by those with sinister ideas.

I do not want to see any more of our citizens and their life savings, those individuals who are mentally regarded or mentally challenged and other vulnerable consumers fall prey to these kinds of devastating acts.

So I rise to support this, and I ask my colleagues to support H.R. 1499.

Ms. LOFREN. I again urge passage of this bill. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MCCOLLUM. Mr. Speaker, I urge passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DICYE). 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. 1499, as amended.

The question was taken; and (twofifths 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.
"(3) Individual registration requirement.—A person required to register under subsection (c) or under a minimally sufficient offender registration program, including a program established under section 170101, who changes address to a State other than the State in which the person resided at the time of the immediately preceding registration, is required to register with the State in which the person establishes a new residence, register a current address, fingerprints, and photograph of that person, for inclusion in the appropriate State database, with—

"(A) the FBI; and

"(B) the State in which the new residence is established.

"(4) Fingerprinting requirement.—Any time any State agency in a State with a minimally sufficient sexual offender registration program, including a program established under section 170101, is notified of a change of address by a person required to register under such program within or outside of such State, the State shall notify—

"(A) the law enforcement officials of the jurisdiction to which, and the jurisdiction from which, the person has relocated; and

"(B) the FBI.

"(5) Verification.—

"(A) Notification of local law enforcement officials.—The FBI shall ensure that State and local law enforcement officials of the jurisdiction to which, and the State and local law enforcement officials of the jurisdiction to which, a person required to register under subsection (c) relocates are notified of the new residence of such person.

"(B) Notification of FBI.—A State agency receiving notification under this subsection shall notify the FBI of the new residence of the offender.

"(C) Verification.—

"(i) State agencies.—If a State agency cannot verify the address of or locate a person required to register under subsection (c) or if the FBI receives notification from a State under clause (i), the FBI shall—

"(I) classify the person as being in violation of registration requirements of the national database; and

"(II) add the name of the person to the National Crime Information Center Wanted Persons Index and create a wanted persons record: Provided, That an arrest warrant which meets the requirements for entry into the file is issued in connection with the violation.

"(h) Fingerprinting.—

"(I) FBI registration.—For each person required to register under subsection (c), fingerprints shall be obtained and verified by the FBI and law enforcement officials pursuant to regulations issued by the Attorney General.

"(II) State registration systems.—In a State that has a minimally sufficient sexual offender registration program, including a program established under section 170101, fingerprints shall be obtained and verified by the FBI and law enforcement officials pursuant to regulations issued by the Attorney General.

"(I) Penalty.—A person required to register under paragraph (1), (2), or (3) of subsection (a), who knowingly fails to comply with this section shall—

"(A) if the person has been convicted of 1 offense described in subsection (b), be fined not more than $100,000 or imprisoned for not more than 1 year; or

"(B) if the person has been convicted of more than 1 offense described in subsection (b), be imprisoned for up to 10 years and fined not more than $100,000.

"(j) Release of information.—The information collected by the FBI under this section shall be disclosed by the FBI—

"(1) to Federal, State, and local criminal justice agencies for—

"(A) law enforcement purposes; and

"(B) law enforcement purposes in accordance with section 3 of the National Child Protection Act of 1993 (42 U.S.C. 5119a).

"(2) to Federal, State, and local governmental agencies responsible for conducting employment-related background checks under section 3 of the National Child Protection Act of 1993 (42 U.S.C. 5119a).

"(k) Notification upon release.—Any State having established a program described in section 170101(a)(3) must—

"(1) upon release from prison, or placement on parole, supervised release, or probation, notify each reentry agency of the release of each offender who is convicted of an offense described in subsection (A) or (B) of section 170101(a)(1) of their duty to register with the FBI; and

"(2) notify reentry agency of the release of each offender who is convicted of an offense described in subsection (A) or (B) of section 170101(a)(1).

"(l) Duration of state registration requirement.—Section 170101(b)(6) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(b)(6)) is amended to read as follows:

"(I) Length of registration.—A person required to register under subsection (a)(1) shall continue to comply with this section, except during ensuing periods of incarceration, until—

"(A) 10 years have elapsed since the person was released from prison or placed on parole, supervised release, or probation; or

"(B) for the life of that person if that person—

"(i) has 1 or more prior convictions for an offense described in subsection (a)(1); or

"(ii) has been convicted of an aggravated offense described in subsection (a)(1); or

"(iii) has been determined to be a sexually violent predator pursuant to subsection (a)(2).

SEC. 4. State boards.

Section 170101(a)(2) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(a)(2)) is amended by adding at the end the following new subsection:

"(g) Fingerprinting.—Each registration that is submitted to register under this section shall be deemed to also require the submission of a set of fingerprints and a photographic identification. The fingerprints shall be obtained in accordance with regulations prescribed by the Attorney General under section 170102.

"(6) Violent offender information system.—(1) The National Child Protection Act of 1993 (42 U.S.C. 14071) is amended by inserting before the end the following new section:

"(d) Violent offender information system.—(1) A State that fails to implement the program described in subsection (a)(1) of section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071) shall—

"(i) Be subject to a civil penalty of not more than $100,000.

"(ii) Be subject to a civil penalty of not more than $100,000.

"(iii) Be subject to a civil penalty of not more than $100,000.

"(2) A State that fails to implement the program described in subsection (a)(1) of section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071) shall—

"(a) The Attorney General may grant an additional 2 years to a State that is making good faith efforts to implement such amendments.

"(b) Ineligibility for funds.—(1) A State that fails to implement the program as described in section 3, 4, 5, 6, and 7 of this Act not later than 3 years after the date of enactment of this Act, except that the Attorney General may grant an additional 2 years to a State that is making good faith efforts to implement such amendments.

"(2) Any funds that are not allocated for failure to comply with section 3, 4, 5, 6, or 7 of this Act shall be reallocated to States that comply with the remaining sections.

"(c) Parole and probation review.—If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, or the application of such provision or amendment to any person or circumstance shall not be affected thereby.
Mr. McCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3456 is the Sexual Offender Tracking and Identification Act of 1996. It is an important piece of legislation that builds on previous efforts of this Congress to ensure that reliable records are available to keep track of convicted sexual predators. H.R. 3456 amends the Jacob Wetterling Act of 1994 which requires the States to set up sex offender registry programs which contain information on those convicted of sexual offenses, and who have completed their prison sentences. This initiative will ensure that these offenders, who have a recidivism rate estimated to be 10 times greater than other criminals, will be tracked by State authorities, and, as they move from State to State, by the FBI. If an offender fails to register at any time, he will be subjected to a warrant. Today there is help from the F.B.I.'s National "Wanted Persons Index"—be brought to justice.

Now, as some of you may recall, on August 24, 1996, President Clinton issued an Executive Order to the Attorney General to begin work on a Sex Offender Registry Network which is very similar to the type of national database program proposed in H.R. 3456. This presidential directive will ensure that the Justice Department and the FBI have a national network operational in 6 months. I commend the President on his commitment to this issue. However, this directive is only the first step. H.R. 3456 is a necessary component to the establishment of a national system and will serve to compliment and even strengthen the President's Executive Order. In addition, unlike the President's proposal, H.R. 3456 improves verification procedures by requiring offenders to provide fingerprints and a photo in addition to the signed verification form required under current law and also establishes criminal penalties for failure to meet interstate registration requirements.

Mr. Speaker, I urge my colleagues to support this legislation, as it is an important piece of legislation that builds on previous efforts of this Congress to ensure that reliable records are available to keep track of convicted sexual predators. H.R. 3456 amends the Jacob Wetterling Act of 1994 which requires the States to set up sex offender registry programs which contain information on those convicted of sexual offenses, and who have completed their prison sentences. This initiative will ensure that these offenders, who have a recidivism rate estimated to be 10 times greater than other criminals, will be tracked by State authorities, and, as they move from State to State, by the FBI. If an offender fails to register at any time, he will be subjected to a warrant. Today there is help from the F.B.I.'s National "Wanted Persons Index"—be brought to justice.

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I am pleased that we have worked in a bipartisan fashion to protect our Nation's children from sexual predators, and I urge my colleagues to support this legislation.

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

Mr. McCOLLUM. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. ZIMMER], the author of this bill.

Mr. ZIMMER. Mr. Speaker, I thank the gentleman for yielding time to me, and I thank him for his expeditious consideration of this legislation and for his concern, which stretches back for years, for the problem of sexual predators and the need to track their movements and to notify communities of their whereabouts.

Mr. Speaker, we have all heard some of the chilling stories. In Arlington, TX, Amber Hagerman was dragged from her bicycle and never seen alive again. Police have no suspects, but they think the crime was committed by a sexual predator. In California, 12-year-old Polly Klaas was abducted from her own bedroom and brutally murdered. Her killer had been out on parole 3 months, and twice before had been arrested for kidnapping.

In Manalapan Township, NJ, 7-year-old Amanda Wengert was murdered by a previously convicted sex offender, and in Hamilton Township, NJ, 7-year-old...
Megan Kanka was raped and murdered, allegedly by a twice-convicted sex offender who lived across the street from her family.

As evidenced by these tragic events, there is a need to arm communities with information about the whereabouts of previously convicted sex offenders. In many instances, lives could have been saved if only communities had known about these dangerous predators.

After the death of Megan Kanka, her parents, Richard and Maureen Kanka, mobilized New Jersey and the entire Nation in the fight for community notification of the presence of sexual offenders. Had they known that an offender lived directly across the street from them, the Kankas would have been able to protect Megan from harm, and Megan would be alive today.

On May 17, 2 years of hard work by Rich and Maureen Kanka reached their culmination when the President signed into law S. 3656, the Federal Megan's Law. As a result, local law enforcement agencies in all 50 States must now notify schools, day care centers, and parents, the people who need to know, about the presence of dangerous predators.

But we still have more to do. We need to make sure that when sexual predators move from State to State, we do not lose track of them. I believe that all States have registration systems that require offenders who have committed sex offenses to register, and that the public will be notified of their presence. But unless we make this a unified, seamless, national system, community notification will not be fully successful.

My bill will establish a nationwide tracking system to keep tabs on sex offenders as they move from State to State, and provide a backup system for the States themselves. My legislation requires offenders to verify their addresses periodically by returning verification cards to law enforcement agencies. It also requires offenders to register with the police department in the community in which they live. This is identical to S. 1675. The amendments that have been added by the House are identical to the Senate. They require more frequent updating of offender information by the police in the community where the offender is residing. They require police officers to be more proactive in providing information to communities about sex offenders who are moving to their area. They also require police officers to warn communities when sex offenders are moving from one State to another. My legislation is identical to S. 1675. The amendments that have been added by the House are identical to the Senate. They require more frequent updating of offender information by the police in the community where the offender is residing. They require police officers to be more proactive in providing information to communities about sex offenders who are moving to their area. They also require police officers to warn communities when sex offenders are moving from one State to another.

MS. LOFGREN. Mr. Speaker, I yield to my colleague from California, Mr. Watt, on the question of the provisions in this bill.

Mr. WATT. Mr. Speaker, I rise in opposition to the bill. I guess I could sit quietly. This is one of those things that I think need to be said. I do not want a Government that requires me, or any citizen, to register. I think it is un-American, and I think this is something that we all ought to be concerned about. I appreciate the gentleman from North Carolina, Mr. WATT, a distinguished member of the Committee on the Judiciary, for yielding me this time.

Many of the provisions of this bill are un-American. The President, I am sure, will sign the bill. Most of the public will say that this is something that we should not be concerned about, but I think we are going overboard and we are going further and further overboard and we are going to put ourselves and our society in great danger because we cannot Mr. MCCOLLUM. Mr. Speaker, I yield myself 2 minutes. Mr. Speaker, I find that what the gentleman from North Carolina usually states it in his reservations about such legislation as this where we see differently, but I think he is being a little bit too creative with regard to the presumption of innocence comments he made. Remember that the person who is registering here and being registered, or required to register, is somebody who has been convicted of a sexual offense, and the person who probably has been, a child molester of some sort. That is not unlikely under this provision to be the case. And, frankly, that person has already been convicted and take the next step. We have to build a system where all movements of sexually violent child molesters can be tracked so that no predator can cross a State line and simply disappear.

This, in fact, is exactly what happened in the New Jersey case. The predator whose case was considered by the New Jersey State Supreme Court when it upheld the validity of our State Megan's Law. He left New Jersey, and although his lawyers may know his whereabouts, no one else does.

I ask my colleagues to vote for H.R. 3456. Ms. LOFGREN. Mr. Speaker, I yield to my colleague from California, Mr. Watt, for yielding me time to debate this bill.

Mr. Speaker, I rise in opposition to the bill. I guess I could sit quietly. This bill is on suspension. I am sure it will pass. I know that I am swimming against the tide. But there are some things that I think need to be said about the bill, and this is not the first time I have said these things about these kinds of bills, so I feel compelled to say them.

Mr. Speaker, I yield to my colleague from North Carolina, Mr. Watt, on the question of the provisions in this bill.

Mr. WATT. Mr. Speaker, I yield to my colleague from California, Mr. Watt, on the question of the provisions in this bill.

Second, if one does not register, that in and of itself becomes a crime under this bill, which subjects a person to a penalty of up to 1 year in prison or $100,000, and subsequent offenses up to 10 years in prison and up to $100,000, even if the person has done absolutely nothing else to offend the system. They just simply did not register under this bill.

Well, it offends me that failure to register should subject somebody to an additional penalty, be put in jail. They have not committed a crime. They have not committed anybody. They just simply failed to be able to move on with their life.

There is a second concern I have about the bill, and that is a constitutional provision which presumes that every American citizen is innocent of a crime until they are proven guilty. This bill presumes just the opposite. If a person is ever convicted of a sexual offense, for the rest of their life they are presumed guilty of some violation. They cannot move on with their community and put that incident behind them. They cannot refuse to register without subjecting themselves to additional penalties.

So the whole presumption of innocence goes by the board once a person commits some crime for which they have already been sentenced, served their time, paid their debt to society and yet somehow under this bill they are presumed guilty for the balance of their life. I think those two principles, in my estimation, are simply un-American.

This can be politically popular. I am sure it is. I mean, Mr. Gramm and Mr. Biden, on opposite sides of the political fence. The President, I am sure, will sign the bill. Most of the public will say that this is something that we should not be concerned about, but I think we are going overboard and we are going further and further overboard and we are going to put ourselves and our society in great danger because we cannot Mr. MCCOLLUM. Mr. Speaker, I yield myself 2 minutes. Mr. Speaker, I find that what the gentleman from North Carolina usually states it in his reservations about such legislation as this where we see differently, but I think he is being a little bit too creative with regard to the presumption of innocence comments he made. Remember that the person who is registering here and being registered, or required to register, is somebody who has been convicted of a sexual offense, and the person who probably has been, a child molester of some sort. That is not unlikely under this provision to be the case. And, frankly, that person has already been convicted and
Mr. WATT], although I do not from prison and who still pose threats with people who have been released. In our State, we are going to have to deal with these individuals very, very importantly, and the gentleman from New Jersey should be commended for this, although not withstanding I understand the gentleman from North Carolina’s reservations.

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

Ms. LOFGREN. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I just want to say something because I strongly believe that we ought to pass this bill, but I did want to say something about my colleague the gentleman from North Carolina [Mr. WATT], because, as he mentioned, it cannot be a popular position to stand up and speak what you think the Constitution calls out for. I disagree with him on the conclusion that he has reached and as the chairman has pointed out in this case, the presumption of innocence ends when the conviction is obtained under due process of law. I take the view of the gentleman from Florida [Mr. McCOLLUM]. I do think the recidivism rate among child molesters is the highest of any crime. I frankly would prefer life sentences for those who would prey upon children in this way. This bill allows for an escape, where one of the pedophiles who was massively publicized incident in Texas on the side of civil liberties. But when they may have served their prison sentences, we are going to have to deal with people who have been released from prison and who still pose threats to children.

So I did want to say that but also to note that the gentleman from North Carolina [Mr. WATT], although I do not agree with him on this issue, has certainly shown integrity in standing up and speaking what he believes the Constitution requires.

Ms. LOFGREN. Mr. Speaker, I yield such time as she may consume to the gentleman from Texas [MRS. JACKSON-LEE], a distinguished member of the Committee on the Judiciary.

(MRS. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. I thank the gentlewoman from California for her leadership on these issues. We have worked to bring new initiatives and we thank the chairman for bringing this legislation, and I thank the chairman for bringing this legislation, and to the gentleman from New Jersey [Mr. ZIMMER], and the bipartisan spirit that it has been brought.

The gentleman from New Jersey in his presentation offered a litany, a very tragic litany, a rollcall, if you will, of the lives of children lost around the nation. He cited these names, which many of us know because of the large amount of publicity that was given to these individuals. But for every one of those children, I imagine any one of us could go to our communities and could recount tragedies that have occurred by those pedophiles, sexual offenders who have preyed upon children.

What comes to mind is, again in my community, the tragedy of a Monique Miller. She was 4 years old. The individual who was charged with the sex crimes, the vicious murder that resulted in her death, was someone who was mentally challenged, if you will. And, of course, part of the defense did raise the question of this person’s inability to understand and control his behavior.

Monique Miller, however, is dead. And in the course of the loss of her life, it was a very tragic and brutal killing. It was only after three or four trials that the individual was ultimately convicted. My question about the experience of that parent who time after time appears in that courtroom just to get a conviction?

I want to law on this country to work. I believe that anyone accused of a crime should have due process, be treated fairly in the court system. But sexual predators who have been convicted of the most violent sexual offenses or are a repeat child sexual offender remain a threat even after they may have served their prison sentences. And I might say that the murderer of Monique Miller, no matter how long his time may be in prison, will remain a threat to this society.

It is a known fact that the scientific community has concluded that most pedophiles cannot control themselves. Some have even admitted it themselves. In fact, we have another very massively publicized incident in Texas where one of the pedophiles who was about to be released asked to be castrated. This is not a time on the floor of the House that I wish to debate that procedure, and I am not suggesting it, advocating it or encouraging it. I am saying that was a pedophile, an offender who himself wanted some procedure to occur because he felt he could not control himself. So, therefore, we are responsible as legislators to control these individuals and to safeguard our children after these individuals leave the prison.

This bill would expand the tracking of those individuals by establishing a nationwide system managed by the FBI. That system would be made available for access by Federal, State, and local law enforcement officials. The sexual offenders will be required to register with this nationwide system. If they move, we do not lose them. We are able to track them. We will be able to again notify the system of their whereabouts. If they fail to do so, they face a stiff punishment.

It is more tragic than having these individuals be required to register for an innocent community to be preyed upon. It is more tragic than having individuals who have committed crimes be able to travel freely in this Nation.

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has concluded that most pedophiles cannot
control themselves. Some have even admitted
it to themselves. Their whereabouts after the
leave prison therefore need to be tracked to
safeguard the children in the communities
where they live.

This bill amends the 1994 crime law which
now allows for the registration and tracking of
offenders who have committed such crimes
against children or sexually violent crimes.
The bill would expand the tracking of those in
dividuals by establishing a nationwide system
managed by the FBI. That system would be
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register with this nationwide system. If they
move, they would be again required to notify
the system of their whereabouts. And if they
fail to do so, they face stiff punishment.

Thus, the database would track all intra-state
and interstate movements of sex offenders,
even into States that have no offender reg-
istration. It would provide the system with their fingerprints and photographs.
The FBI can then release the information to
local authorities where the offenders live.

Violent sexual predators, repeat child abus-
ers and repeat sex offenders will be in the
system for life under this act. That only makes
sense in light of the facts before us. This is an
important piece of legislation that can directly
protect innocent lives and I urge my col-
leagues to vote for H.R. 3456.

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

Mr. WINTER. Mr. Speaker, in closing
these remarks on H.R. 2092.

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

Mr. BARR of Georgia. Mr. Speaker, I
ask unanimous consent that all Members
can have 5 Legislative days within which
to review and extend their remarks
on H. R. 2092.

The SPEAKER pro tempore. The
SPEAKER pro tempore. Pursu-
ance Act. I introduced this legislation
in the first session of this Congress
along with our colleague, the gen-
tleman from California [Mr. MARTINEZ]
who could not be here this evening, but
has championed this bill not only in
this Congress but in the previous Con-
gress as well.

This bill will help ensure that private
security officers undergo thorough and
timely background checks.

The bill is straightforward and simple.
It proposes an expedited procedure
similar to those in use by the financial
and parimutuel industries today to
match the fingerprints of job appli-
cants against records maintained by
the Federal Bureau of Investigation's
Criminal Justice Services Division.

Mr. Speaker, there are more than 1.5
million private security officers in the
United States. The security industry is
dynamic, and there is great pressure to
meet ongoing need to hire qualified
personnel as vacancies occur. Thorough
reviews of job applicants' backgrounds
are critical to employers, both to pro-
tect assets and to ensure protection for
the public. Employers must depend on
State or federal agencies for criminal
history information. They need this
information promptly, but under exis-
ting law, Mr. Speaker, this process can
take from 3 to 18 months.

Thirty-nine States now require secu-
ritv contractors to conduct back-
ground checks of their personnel, usu-
ally requiring fingerprint matches. To
obtain a review of FBI records, a com-
mbersome, unwieldy process is used,
leading to lengthy delays. Today an
employer must submit prints to the
State police agency which forwards
them to the bureau where they are
processed. The so-called rap sheet is
then sent back to the police agency,
which then sends these results to the
State's agency charged with regulating
security employers to learn whether an ap-
licant is qualified by Congress under Public Law 92-
which states that responsible for security officers, there-
then to a separate regulatory agency
then go to a law enforcement agency,
until reaching the FBI. This has indi-
cated the process is reduced to about 20
business days.

Congress created another so-called
express lane for obtaining criminal
record information with the enactment
of the Uniform Law on Private Uniform
officers, but are not.

This is a similar process to the one
used by the ABA, but the rap sheet is
sent back to the State regulatory agen-
cy, not to the employer. This system
approximates that proposed in H.R. 2002.

This bill will authorize the Attorney
General to name an association to ag-
gragate fingerprint cards, screen them
for legibility, and then forward them to
the FBI for analysis. The rap sheet is
then returned directly to the bank.
Under this system, a job applicant
which has indicated the process is reduced to about 20
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from making the most efficient use of its resources. I urge my colleagues to carefully review the provisions of this bill and make an informed choice.

Mr. GOODLING. Mr. Speaker, I rise today in support of H.R. 2092, the Private Security Officer Quality Assurance Act. Modest though it may be, I believe this legislation can provide a valuable first step toward assuring that only qualified individuals are hired as private security officers.

H.R. 2092 would accomplish two basic goals. First, it would allow the Attorney General to establish an association of private security guard employers that would, in turn, serve as a clearinghouse for submitting applicant information to the Federal Bureau of Investigation for purposes of doing individual background checks. This would help ensure that both the States and employers would more quickly receive important background information concerning individuals seeking to become private security guards. Second, the bill includes provisions expressing the Sense of the Congress that the States should enact statutes imposing numerous certification and training requirements on employers of private security officers. Although I support the concept of improving efforts to screen and adequately train private security officer job applicants, the bill’s focus on achieving these improvements through proscription and mandating imposed on either the States or employers—was troubling to me as well as to other Members of our Committee. For that reason, I am pleased that the bill that we take up today no longer includes those particular provisions.

Finally, Mr. Speaker, I would note that H.R. 2092, which was originally introduced by the Representative from Georgia, was referred to the Committee on Economic and Educational Opportunities, and in addition, to the Committee on the Judiciary. While the Committee on Economic and Educational Opportunities has not reported H.R. 2092, the Judiciary Committee ordered the bill favorably reported by a voice vote on September 18, 1996. Given Congress’ impending adjournment, I agree with my committee chairman, Mr. GOOGLING, that there is no reason to slow the legislative process; however, I also share his view that these actions should hold no precedence regarding the interest that the Committee on Economic and Educational Opportunities has regarding our jurisdiction with respect to issues raised in the bill.

Mr. WATT of North Carolina. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. BARR of Georgia. 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 Georgia [Mr. BARR] that the House suspend the rules and pass the bill, H.R. 2092, as amended.

The question was taken.

Mr. WATT of North Carolina. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered. The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair’s prior announcement, further proceedings on this motion will be postponed.

GOVERNMENT ACCOUNTABILITY ACT OF 1996

Mr. McCOULUM. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 535) providing for the concurrence of the House, with an amendment, in the amendments of the Senate to the bill H.R. 3166.

The Clerk read as follows:

H. Res. 535

Resolved, That upon adoption of this resolution, the bill H.R. 3166, to amend title 18, United States Code, with respect to the creation of a false statement in a Government matter, with the Senate amendments there to, shall be considered to have been taken from the Speaker’s table and the same are agreed to with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment to the text of the bill, insert the following:

SEC. 1. SHORT TITLE.

This Act may be cited as the “False Statements Accountability Act of 1996”.

SEC. 2. RESTORING FALSE STATEMENTS PROHIBITION.

Section 1001 of title 18, United States Code, is amended to read as follows:

“(a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully—

(1) makes a materially false, fictitious, or fraudulent statement or representation; or

(2) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or representation; or

(3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or representation; or

(4) with respect to any matter within the jurisdiction of the legislative branch, subsection (a) shall apply only to—

(A) administrative matters, including a claim for payment, a matter related to the procurement of property or services, personnel or employment practices, or support services, or a document required by law, rule, or regulation to be submitted to the Congress or any office or officer within the legislative branch; or

(B) an investigation or review, conducted pursuant to the authority of any committee, subcommittee, commission or office of the Congress, consistent with the applicable rules of the House or Senate.

SEC. 3. CLARIFYING PROHIBITION ON OBSTRUCTING CONGRESS.

Section 1515 of title 18, United States Code, is amended—

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

(2) by inserting after subsection (a) the following new subsection:

“(b) As used in section 1505, the term ‘corruptly’ means acting with an improper purpose, personally or by proxy, or both, including making a false or misleading statement, or withholding, concealing, altering, or destroying a document or other information.”

SEC. 4. ENFORCING SENATE SUBPOENA.

Section 1365(a) of title 28, United States Code, is amended in the second sentence, by
striking “Federal Government acting within his official capacity” and inserting “executive branch of the Federal Government acting within his or her official capacity, except that the exemption to apply if the refusal to comply is based on the assertion of a personal privilege or objection and is not based on a governmental privilege or objection the assertion of which has been authorized by the executive branch of the Federal Government”.

SEC. 5. COMPELLING TRUTHFUL TESTIMONY OR IMMUNIZED WITNESS

Section 605 of title 18, United States Code, is amended—
(1) in subsection (a), by inserting “or ancillary to” after “and proceeding before”; and
(2) in subsection (b)—
(A) in paragraphs (1) and (2), by inserting “or ancillary to” after “a proceeding before” each place that term appears; and
(B) in paragraph (3), by adding a period at the end.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. McCOLLUM] and the gentleman from North Carolina [Mr. WATT] each will control 20 minutes.

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

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 House Resolution 535.

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, for decades, section 1001 of title 18 of the United States Code has been a powerful tool in the hands of prosecutors seeking to address the willful misleading of the executive, judicial, and legislative branches. Over the years, section 1001 has been used to prosecute a wide variety of misconduct. Notable prosecutions under section 1001 include those of Colonel North and Admiral Poindexter, and more recently, the case against former Congressman Rostenkowski.

On May 15, 1996, the U.S. Supreme Court dramatically changed Federal criminal law dealing with the offense of willfully misleading a branch of Government. In the case Hubbard versus United States, the Supreme Court limited the application of section 1001 to only the executive branch, leaving the oversight of Congress and the courts outside its scope.

On June 30, 1995, the Crime Subcommittee held a hearing to examine how section 1001 could be amended to ensure that those who willfully mislead the Government are held accountable. At that hearing, all of the witnesses agreed that law enforcement must have the ability to punish those who willfully mislead the Government. But they further agreed that such an ability must be weighed against our constitutional right to free speech, a balanced adversarial system of justice, and a genuine separation of power between the three branches of Government.

H.R. 3166 is responsive to the concerns raised at our June hearing. The bill provides us with the means of punishing those who willfully mislead the executive, legislative, and judicial branches, while at the same time avoiding unintended consequences.

The bill applies section 1001 to all three branches of the U.S. Government, with two exceptions. First, the bill has a judicial function exception, which provides that section 1001 does not apply “to a proceeding before a court or counsel for statements, representations, writings, or documents submitted by such party or counsel to a judge or magistrate in that proceeding.” This exception applies the criminal penalties of section 1001 to those representations made to a court when it is voting in its administrative function, and exempts from the scope of section 1001 those representations that are part of a judicial proceeding. The failure to establish such a judicial function exception would allow a prosecutor to threaten his or her opposing counsel with criminal prosecution for statements made by such counsel to a judge in the case before them. Such threats would clearly chill vigorous legal representation and would have a substantial detrimental effect on the adversarial process.

The second exception is the legislative function exception. This exception is the result of an effort by Members on both sides of the aisle, and much work with the Senate Judiciary Committee. It is agreed to by all these parties. The purpose of this provision is to guard against creating an intimidating atmosphere in which all communications made in the legislative context— including unsworn testimony and constituent mail—would be subject to section 1001’s criminal penalties. Such an atmosphere could undermine the free flow of information that is so vital to the legislative and executive functions.

The legislative function exception limits section 1001’s application in a legislative context to administrative matters and to any investigation or review that is conducted pursuant to the authority of a committee, subcommittee, committee, or office of Congress, consistent with applicable rules. I think it is important to note that the term “review,” as used here, refers to an action that is ordinarily initiated by the authority of a committee, subcommittee, committee, office, or commission, consistent with the performance of their oversight or enforcement activities. “Investigation or review” is not intended to include routine fact gathering or miscellaneous inquiries by committee personnel staff. While the operation of this provision is not contingent on any changes to the Rules of the House, certain changes to the rules may be advisable in the future to provide increased clarity regarding what constitutes “investigation or review” for purposes of this section.

At the same time, section 1001 continues to apply to the many administrative filings that have been covered in the past. As such, it covers Members of Congress who knowingly and willfully lie on their financial disclosure forms, initiate ghost employee schemes, knowingly submit false vouchers, and purchase goods and services with taxpayer dollars.

Importantly, statutes such as perjury and contempt of Congress continue to provide a means of holding accountable those who knowingly and willfully mislead Congress. I believe that the institutional interests of the Congress, and the interests of the American people, are advanced when unsworn congressional testimony and legislative advocacy occur without the fear of possible criminal prosecution or misstatements. The functioning of this body would be seriously undermined, and the people poorly served, if all statements and correspondence from constituents were subject to criminal prosecution.

H.R. 3166 avoids creating such an atmosphere.

The bill includes three additional sections which, along with the amendments to section 1001, help to safeguard the legislative and oversight roles of Congress assigned to it by the Constitution. All of these sections have been worked out and agreed to by both sides in the House and the Senate.

In brief, section three responds to the D.C. Circuit Court’s decision in Poindexter and clarifies that a person claiming a governmental privilege or objection and is not based on a governmental privilege or objection is not based on a governmental privilege or objection and is not based on a governmental privilege or objection and is not based on a governmental privilege or objection and is not based on a governmental privilege or objection and is not based on a governmental privilege or objection and is not based on a governmental privilege or objection. The second exception is the legislative function exception. This exception is the result of an effort by Members on both sides of the aisle, and much work with the Senate Judiciary Committee. It is agreed to by all these parties. The purpose of this provision is to guard against creating an intimidating atmosphere in which all communications made in the legislative context— including unsworn testimony and constituent mail—would be subject to section 1001’s criminal penalties. Such an atmosphere could undermine the free flow of information that is so vital to the legislative and executive functions.

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Importantly, statutes such as perjury and contempt of Congress continue to provide a means of holding accountable those who knowingly and willfully mislead Congress. I believe that the institutional interests of the Congress, and the interests of the American people, are advanced when unsworn congressional testimony and legislative advocacy occur without the fear of possible criminal prosecution or misstatements. The functioning of this body would be seriously undermined, and the people poorly served, if all statements and correspondence from constituents were subject to criminal prosecution.

H.R. 3166 avoids creating such an atmosphere.

The bill includes three additional sections which, along with the amendments to section 1001, help to safeguard the legislative and oversight roles of Congress assigned to it by the Constitution. All of these sections have been worked out and agreed to by both sides in the House and the Senate.

In brief, section three responds to the D.C. Circuit Court’s decision in Poindexter and clarifies that a person claiming a governmental privilege or objection and is not based on a governmental privilege or objection and is not based on a governmental privilege or objection and is not based on a governmental privilege or objection and is not based on a governmental privilege or objection and is not based on a governmental privilege or objection and is not based on a governmental privilege or objection. The second exception is the legislative function exception. This exception is the result of an effort by Members on both sides of the aisle, and much work with the Senate Judiciary Committee. It is agreed to by all these parties. The purpose of this provision is to guard against creating an intimidating atmosphere in which all communications made in the legislative context— including unsworn testimony and constituent mail—would be subject to section 1001’s criminal penalties. Such an atmosphere could undermine the free flow of information that is so vital to the legislative and executive functions.

The legislative function exception limits section 1001’s application in a legislative context to administrative matters and to any investigation or review that is conducted pursuant to the authority of a committee, subcommittee, committee, or office of Congress, consistent with applicable rules. I think it is important to note that the term “review,” as used here, refers to an action that is ordinarily initiated by the authority of a committee, subcommittee, committee, office, or commission, consistent with the performance of their oversight or enforcement activities. “Investigation or review” is not intended to include routine fact gathering or miscellaneous inquiries by committee personnel staff. While the operation of this provision is not contingent on any changes to the Rules of the House, certain changes to the rules may be advisable in the future to provide increased clarity regarding what constitutes “investigation or review” for purposes of this section.

At the same time, section 1001 continues to apply to the many administrative filings that have been covered in the past. As such, it covers Members of Congress who knowingly and willfully lie on their financial disclosure forms, initiate ghost employee schemes, knowingly submit false vouchers, and purchase goods and services with taxpayer dollars.
criminalized. At full committee, however, an amendment providing an exception for legislative advocacy was passed unanimously.

In a conference with the Senate, this exception has been further refined. As a result, statements made to Congress for the purpose of legislative advocacy will not be prosecutable. Not only Members of Congress but lobbyists and members of the public will be protected by this provision.

I believe that a legislative advocacy exception is necessary, because in the heat of intense arguments over legislation, positions may be exaggerated or overemphasized. Such statements should not be subject to potential prosecution.

This amendment will ensure that Members of Congress and members of the public will continue to engage in full uncensored debate over legislation. At the same time, this bill does not protect those who make false statements to Congress in other contexts. Lies about financial statements or other administrative matters should be subject to criminal prosecution.

In addition, false statements made to Members of Congress or congressional staff in connection to authorized investigations would also be subject to criminal prosecution.

In short, this bill overturns the recent Supreme Court case and, once again, makes lying to Congress a Federal crime. It also includes other important but narrow exceptions designed to ensure uninhibited debate.

Mr. Speaker, I urge my colleagues to support this bill.

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

Mr. McCOLLUM. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. MARTINI], the author of this bill.

Mr. MARTINI. Mr. Speaker, I thank the gentleman from Florida for yielding me this time.

Mr. Speaker, I am pleased after months of negotiations and discussions within our own House and with the other body that we are finally able to complete the action on this important legislation.

I would like to take this moment to thank the gentleman from Florida, Chairman McCOLLUM, and the capable Crime Subcommittee counsel Paul McNulty and Dan Bryant; and Dan Gans of my own staff, for their hard work and commitment to bringing this legislation to the floor.

Mr. Speaker, today, upon enactment of this legislation, we will finally know with certainty that individuals who knowingly and intentionally issue a materially fraudulent or false statement to the legislative or judicial branch of the Federal Government will be subject to criminal prosecution under title 18, section 1001, of the United States Code.

As I stated previously, I believe that the public has a right to know that congressional financial disclosure forms and other required congressional filings are filled out truthfully and accurately. Our service in the Congress is based upon mutual trust with the American people.

Citizens should know that Members of Congress can no longer seek executive office have provided honest, complete responses on their congressional financial disclosure forms. Only an enforceable Federal false statement statute will protect that valuable trust.

In addition, when Congress receives testimony before the various committees of the House of Representatives, it is only right to expect that the information and statements provided to us by those witnesses is truthful and factual, especially in an investigative setting.

I serve as a member of the Committee on Government Reform and Oversight, which is the primary committee charged with oversight of the entire Federal Government. This past year I chaired a number of investigative hearings without having the benefit of a viable Federal false statement statute. Having done so, I am convinced, now more than ever, of the necessity for enacting the False Statements Accountability Act.

Mr. Speaker, I have stated time and time again as we debated this issue that this is simply an issue of parity. There is no reason why we would hold false statements issued to Congress or the Judiciary any less severely than those issued to the executive branch.

Before I conclude, some of my colleagues in the House and in the other body had expressed concern that the False Statements Accountability Act needed to include a congressional advocacy exception that would exempt certain types of legislative advocacy from the scope of section 1001. These individuals should be assured that the current compromise in H.R. 3166 adequately addresses their concerns while simultaneously protecting the veracity and legitimacy of the investigative activities of the Congress.

Mr. Speaker, last week I was concerned that, had we gone home next week without passing H.R. 3166, it would have given the perception that Congress was attempting to avoid consideration of this type of legislation.

Well, I am proud to say that this evening I am part of a Congress that does not tolerate the self-serving interest that too often went unnoticed in the past. For over a year, Congress has not enjoyed the protection of the Federal false statement statute. Enactment of this legislation will clear up any existing ambiguity in the law so that lying to Congress will once again have serious consequences.

In closing, I want to again thank Chairman McCOLLUM and his staff, and I urge my colleagues to support this bipartisan reform.

Mr. GOSS. Mr. Speaker, above the door to the Supreme Court Building are the words “Equal Justice Under the Law.” These words apply to all citizens including Members of Congress—but, the Supreme Court decision last spring placed this institution above the law.

In Hubbard versus United States the Court held that section 1001 of 18 United States Code is only applicable to individuals who knowingly issue a false statement to the executive branch. This means that individuals—including Members of Congress—who intentionally lie to this institution can no longer be prosecuted under this statute.

Following the Supreme Court’s decision we witnessed numerous legal briefs filed to dismiss or lessen charges against former Members of Congress. We all know of one former Member that may have received a longer prison sentence for the criminal acts against the American people if Congress was under section 1001. This is not equal justice under the law. We cannot allow criminal activity to go unpunished.

H.R. 3166 extends the false statement statute to all three branches of the Government.

It is very clear that individuals doing business with the Government or appearing before a committee are under this statute. H.R. 3166 makes Members of Congress legally accountable to the American people. I support this measure and encourage my colleagues to do the same.

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

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

The SPEAKER pro tempore (Mr. Dickey). The question is on the motion of Mr. McCOLLUM that the House suspend the rules and agree to the resolution, H. Res. 535.

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.

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. LEWIS of Georgia (during consideration of S. 919). Mr. Speaker, pursuant to clause 2 of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House.

The form of the resolution is as follows:

Whereas on December 6, 1995, the Committee on Standards of Official Conduct acted to appoint an outside counsel to conduct an independent, nonpartisan investigation of allegations of ethical misconduct by Speaker New Gingrich;

Whereas, after an eight-month investigation, that outside counsel has submitted an extensive document containing the results of his inquiry;

Whereas the report of the outside counsel cost the taxpayers $500,000;

Whereas the public has a right—and Members of Congress have a responsibility—to examine the work of the outside counsel and
reach an independent judgment concerning the merits of the charges against the Speaker;

Whereas these charges have been before the Ethics Committee for more than two years;

Whereas a failure of the Committee to release the outside counsel’s report before the adjournment of the 104th Congress will seriously undermine the credibility of the Ethics Committee and the integrity of the House of Representatives;

Therefore be it resolved that

The Committee on Standards of Official Conduct shall release to the public the outside counsel’s report on Speaker Newt Gingrich, including any conclusions, recommendations, attachments, exhibits or accompanying material—no later than Friday, September 25, 1996.

The SPEAKER pro tempore (Mr. Dickey). Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time or place designated by the Chair in the legislative schedule within 2 legislative days. The Chair will announce that designation at a later time.

A determination as to whether the resolution constitutes a question of privilege will be made at that later time.

CHILD ABUSE PREVENTION AND TREATMENT ACT AMENDMENTS OF 1996

Mr. GOODLING. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 919) to modify and reauthorize the Child Abuse Prevention and Treatment Act, and for other purposes, as amended.

The Clerk read as follows:

S. 919

Mr. GOODLING. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 919) to modify and reauthorize the Child Abuse Prevention and Treatment Act, and for other purposes, as amended.

The Clerk read as follows:

S. 919

Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 919) to modify and reauthorize the Child Abuse Prevention and Treatment Act, and for other purposes, as amended.

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The Clerk read as follows:

S. 919

Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 919) to modify and reauthorize the Child Abuse Prevention and Treatment Act, and for other purposes, as amended.

The Clerk read as follows:

S. 919
SEC. 104. NATIONAL CLEARINGHOUSE FOR INFORMATION RELATING TO CHILD ABUSE.

Section 104 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104) is amended—

(1) in subsection (a), to read as follows:

"(a) Establishment.—The Secretary shall through the Department, or by one or more contracts of not less than 3 years duration let through a competition, establish a national clearinghouse for information relating to child abuse;"

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "Director" and inserting "Secretary";

(B) in paragraph (1)—

(i) by inserting "assessment," after "prevention,"; and

(ii) by striking ", including" and all that follows and inserting ";";

(C) in paragraph (2)—

(i) in subparagraph (A), by striking "general population" and inserting "United States";

(ii) in subparagraph (B), by adding "and" at the end;

(iii) in subparagraph (C), by striking ";" and "at the end and inserting a period; and

(iv) by striking subparagraph (D); and

(D) in paragraph (3)—

(i) by designating subparagraphs (A) through (D), respectively, and by moving the text of subparagraph (A) as redesignated 2 ems to the right;

(ii) in subparagraph (B), by redesigning paragraphs (1) through (i) as subparagraphs (A) through (D), as redesignated 2 ems to the right;

(iii) in subparagraph (C), as redesignated, by striking "that is represented on the task force" and inserting "involved with child abuse and neglect and mechanisms for the sharing of such information among other Federal agencies and clearinghouses";

(D) in subparagraph (C) as redesignated, by striking "State, regional, and local child welfare data systems which shall include—"

(i) standardized data on false, unfounded, unsubstantiated, and substantiated reports; and

(ii) information on the number of deaths due to child abuse and neglect;";

(E) by redesigning subparagraph (D) as redesignated as subparagraph (F);

(F) by inserting after subparagraph (C) as redesignated, the following new subparagraphs:

"(D) through a national data collection and analysis program and in consultation with appropriate State and local agencies and experts in the field, collect, compile, and make available State child abuse and neglect reporting information which, to the extent practical, shall be universal and case specific and integrated with other case-based foster care and adoption data collected by the Secretary;"

"(E) compile, analyze, and publish a summary of the research conducted under section 105(a); and"

(G) by adding at the end the following:

"(2) CONFIDENTIALITY REQUIREMENT.—In carrying out paragraph (1)(D), the Secretary shall ensure that methods are established and implemented to preserve the confidentiality of records relating to case specific data."
Section 106 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a) is amended—

(1) in the section heading, by striking “OF THE NATIONAL CENTER ON CHILD ABUSE AND NEGLECT”;

SEC. 106. GRANTS FOR DEMONSTRATION PROGRAMS.

Section 106 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a) is amended—

(i) for court-ordered supervised visitation between children and abusing parents; and

(ii) to safely facilitate the exchange of children for visits with noncustodian parents in cases of domestic violence.”;

(3) by striking subsection (b); and

(4) by redesignating subsection (c) as subsection (b) (as redesignated)—

(5) by striking paragraphs (1) and (2); and

(6) by adding at the end the following new subsection:

“(C) PROMOTION OF SAFE, FAMILY-FRIENDLY PHYSICAL ENVIRONMENTS FOR VISITATION AND EXCHANGE.—The Secretary may award grants to entities to assist such entities in establishing and operating safe, family-friendly physical environments—

(i) for court-ordered supervised visitation between children and abusing parents; and

(ii) to safely facilitate the exchange of children for visits with noncustodian parents in cases of domestic violence.”;

(4) by redesignating subsection (3) through (7) as paragraphs (1) through (5), respectively;

(1) for court-ordered supervised visitation between children and abusing parents; and

(2) to improve the recruitment, selection, and training of volunteers serving in public and private nonprofit children, youth and family service organizations in order to prevent child abuse and neglect through collaborative analysis of current recruitment, selection, and training programs and development of innovative programs for dissemination and replication nationally; and

(3) for the establishment of resource centers for the purpose of providing information and training to professionals working in the field of child abuse and neglect.

(3) MUTUAL SUPPORT PROGRAMS.—The Secretary may award grants to public nonprofit organizations (such as Parents Anonymous) to establish or maintain a national network of mutual support and self-help programs as a means of strengthening families in partnership with their communities.

(3) OTHER INNOVATIVE PROGRAMS AND PROJECTS.—

(A) IN GENERAL.—The Secretary may award grants to a Statewide or private nonprofit agencies that demonstrate innovation in responding to reports of child abuse and neglect including programs of collaborative partnerships with the State child protective services agency, community social service agencies, and related community programs to allow for the establishment of a triage system that—

(i) accepts, screens and assesses reports received to determine which such reports require an intensive intervention and which require voluntary referral to another agency, program or project;

(ii) provides, either directly or through referrals, a variety of community-linked services to assist families in preventing child abuse and neglect; and

(iii) provides further investigation and intensive assessment where the child’s safety is in jeopardy.

(B) KINSHIP CARE.—The Secretary may award grants to public and private nonprofit entities, other than 30 States and the District of Columbia, that demonstrate the ability to develop community-based programs that serve children who are in need of alternative care or who have been relinquished for adoption; or

(C) PROMOTION OF SAFE, FAMILY-FRIENDLY PHYSICAL ENVIRONMENTS FOR VISITATION AND EXCHANGE.—The Secretary may award grants to entities—

(i) for court-ordered supervised visitation between children and abusing parents; and

(ii) to safely facilitate the exchange of children for visits with noncustodian parents in cases of domestic violence.”;

(4) by redesignating subsection (4) through (7) as paragraphs (1) through (5), respectively;

(1) for court-ordered supervised visitation between children and abusing parents; and

(2) to improve the recruitment, selection, and training of volunteers serving in public and private nonprofit children, youth and family service organizations in order to prevent child abuse and neglect through collaborative analysis of current recruitment, selection, and training programs and development of innovative programs for dissemination and replication nationally; and

(3) for the establishment of resource centers for the purpose of providing information and training to professionals working in the field of child abuse and neglect.

(2) MUTUAL SUPPORT PROGRAMS.—The Secretary may award grants to public nonprofit organizations (such as Parents Anonymous) to establish or maintain a national network of mutual support and self-help programs as a means of strengthening families in partnership with their communities.

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(ii) provides, either directly or through referrals, a variety of community-linked services to assist families in preventing child abuse and neglect; and

(iii) provides further investigation and intensive assessment where the child’s safety is in jeopardy.

(B) KINSHIP CARE.—The Secretary may award grants to public and private nonprofit entities, other than 30 States and the District of Columbia, that demonstrate the ability to develop community-based programs that serve children who are in need of alternative care or who have been relinquished for adoption; or

(C) PROMOTION OF SAFE, FAMILY-FRIENDLY PHYSICAL ENVIRONMENTS FOR VISITATION AND EXCHANGE.—The Secretary may award grants to entities to assist such entities in establishing and operating safe, family-friendly physical environments—

(i) for court-ordered supervised visitation between children and abusing parents; and

(ii) to safely facilitate the exchange of children for visits with noncustodian parents in cases of domestic violence.”;

(3) by striking subsection (b); and

(4) by redesignating subsection (c) as subsection (b) (as redesignated)—

(5) by striking paragraphs (1) and (2); and

(6) by adding at the end the following new subsection:

“(C) PROMOTION OF SAFE, FAMILY-FRIENDLY PHYSICAL ENVIRONMENTS FOR VISITATION AND EXCHANGE.—The Secretary may award grants to entities to assist such entities in establishing and operating safe, family-friendly physical environments—

(i) for court-ordered supervised visitation between children and abusing parents; and

(ii) to safely facilitate the exchange of children for visits with noncustodian parents in cases of domestic violence.”;

(4) by redesignating subsection (3) through (7) as paragraphs (1) through (5), respectively;

(1) for court-ordered supervised visitation between children and abusing parents; and

(2) to improve the recruitment, selection, and training of volunteers serving in public and private nonprofit children, youth and family service organizations in order to prevent child abuse and neglect through collaborative analysis of current recruitment, selection, and training programs and development of innovative programs for dissemination and replication nationally; and

(3) for the establishment of resource centers for the purpose of providing information and training to professionals working in the field of child abuse and neglect.

(2) MUTUAL SUPPORT PROGRAMS.—The Secretary may award grants to public nonprofit organizations (such as Parents Anonymous) to establish or maintain a national network of mutual support and self-help programs as a means of strengthening families in partnership with their communities.

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(A) IN GENERAL.—The Secretary may award grants to a Statewide or private nonprofit agencies that demonstrate innovation in responding to reports of child abuse and neglect including programs of collaborative partnerships with the State child protective services agency, community social service agencies, and related community programs to allow for the establishment of a triage system that—

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(iii) provides further investigation and intensive assessment where the child’s safety is in jeopardy.

(B) KINSHIP CARE.—The Secretary may award grants to public and private nonprofit entities, other than 30 States and the District of Columbia, that demonstrate the ability to develop community-based programs that serve children who are in need of alternative care or who have been relinquished for adoption; or

(C) PROMOTION OF SAFE, FAMILY-FRIENDLY PHYSICAL ENVIRONMENTS FOR VISITATION AND EXCHANGE.—The Secretary may award grants to entities to assist such entities in establishing and operating safe, family-friendly physical environments—

(i) for court-ordered supervised visitation between children and abusing parents; and

(ii) to safely facilitate the exchange of children for visits with noncustodian parents in cases of domestic violence.”;
“(iv) a grand jury or court, upon a finding that information in the record is necessary for the determination of an issue before the court or grand jury; and
“(v) any other procedures, and mechanisms under clause (xii), including provisions which allow for public disclosure of the findings or information about the case of child abuse or neglect which has resulted in a child fatality or near fatality;”

“(vii) the cooperation of State law enforcement officials, court of competent jurisdiction, and appropriate State agencies providing help in the investigation, assessment, prosecution, and treatment of child abuse or neglect;”

“(viii) provisions requiring, and procedures in place that will facilitate the expeditious disposition of any records that are accessible to the general public or are used for purposes of employment or other background checks in cases determined to be unsubstantiated or false, except that nothing in this section shall prevent State child protective services agencies from keeping information on substantiated or confirmed cases, and their casework files to assist in future risk and safety assessment;”

“(ix) provisions and procedures requiring that in every case involving an abused or neglected child which results in a judicial proceeding, a guardian ad litem, who may be an attorney or any court appointed special advocate, shall be appointed to represent the child in such proceedings—

“(1) to obtain first-hand, a clear understanding of the situation and needs of the child; and

“(2) to make recommendations to the court concerning the best interests of the child;”

“(x) the establishment of citizen review panels in accordance with subsection (c);

“(xi) provisions, procedures, and mechanisms to be effective not later than 2 years after the date of the enactment of this section—

“(1) for the expedited termination of parental rights in the case of any infant determined to be abandoned under State law; and

“(2) by which individuals who disagree with an official finding of abuse or neglect can appeal such finding;”

“(xii) provisions, procedures, and mechanisms to be effective not later than 2 years after the date of the enactment of this section—

“(1) to obtain first-hand, a clear understanding of the situation and needs of the child; and

“(2) to make recommendations to the court concerning the best interests of the child;”

“(A) substantiated;

“(B) an assurance that the State has in place procedures for responding to the reporting of medical neglect (including instances of withholding of medically indicated treatment from disabled infants with life-threatening conditions), procedures or programs, or both (within the State child protective services system), to provide for—

“(i) coordination and consultation with individuals designated by and within appropriate health-care facilities of cases of suspected medical neglect; and

“(ii) prompt notification by individuals designated by and within appropriate health-care facilities of cases of suspected medical neglect;”

“(C) a description of—

“(I) the services to be provided under the grant to individuals, families, or communities, either directly or through referral, designed at preventing the occurrence of child abuse and neglect;

“(II) the training to be provided under the grant to support direct line and supervisory personnel in report taking, screening, assessment, decision making, and referral for investigating suspected instances of child abuse and neglect;

“(III) the training to be provided under the grant for individuals who are required to report suspected cases of child abuse and neglect;

“(D) an assurance or certification that the programs or projects relating to child abuse and neglect carried out under part B of title IV of the Social Security Act comply with the requirements set forth in paragraph (1) and this paragraph.

“(3) LIMITATIONS.—With regard to clauses (v) and (vi) of paragraph (2)(A), nothing in this section shall be construed as restricting the ability of a State to refuse to disclose identifying information about any individual initiating a report or complaint alleging suspected instances of child abuse or neglect, except that the State may not refuse such a disclosure where a court orders such disclosure after such court has reviewed, in camera, the record of the State related to the report or complaint and has found it reason to believe that the reporter knowingly made a false report.

“(4) DEFINITIONS.—For purposes of this subsection—

“(A) the term ‘near fatality’ means an act that, as certified by a physician, places the child in serious or critical condition; and

“(B) the term ‘serious bodily injury’ means bodily injury which involves substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, or organ.

“(c) CITIZEN REVIEW PANELS.—

“(1) ESTABLISHMENT.—

“(A) IN GENERAL.—Except as provided in subsection (b), each State to which a grant is made under this section shall establish not less than 3 citizen review panels.

“(B) EXCEPTIONS.—

“(i) ESTABLISHMENT OF PANELS BY STATES RECEIVING MINIMUM ALLOTMENT.—A State that receives the minimum allotment of $175,000 under section 203(b)(1)(A) for a fiscal year shall establish not less than 1 citizen review panel.

“(ii) DESIGNATION OF EXISTING ENTITIES.—A State that designates panels for purposes of this subsection one or more existing entities established under State or Federal law, such as child fatality panels or foster care review panels, if such entities have the capacity to satisfy the requirements of paragraph (4) and the State ensures that such entities will satisfy such requirements.

“(B) EXCEPTIONS.—

“(i) Citizen review panels established pursuant to paragraph (1) shall be composed of volunteer members who are broadly representative of the community in which such panel is established, including members who have expertise in the prevention and treatment of child abuse and neglect.

“(ii) Each panel established pursuant to paragraph (1) shall meet not less than once every 3 months.

“(4) FUNCTIONS.—

“(A) IN GENERAL.—Each panel established pursuant to paragraph (1) shall, by examining the policies and procedures of State and local agencies and where appropriate, special courts, evaluate the extent to which the agencies are effectively discharging their child protection responsibilities in accordance with—

“(I) the State plan under subsection (b);

“(ii) the child protection standards set forth in subsection (b); and

“(C) any other criteria that the panel considers important to ensure the protection of children, including—

“(I) a review of the extent to which the State child protective services system is coordinated with the foster care and adoption programs established under part E of title IV of the Social Security Act; and

“(B) CONFIDENTIALITY.—

“(I) IN GENERAL.—The members and staff of a panel established under paragraph (1)—

“(I) shall not disclose to any person or government official any identifying information about any specific child protection case with respect to which the panel is provided information; and

“(II) shall not make public other information unless authorized by State statute.

“(B) STATE ASSISTANCE.—Each State that establishes a panel pursuant to paragraph (1) shall establish civil sanctions for a violation of clause (i).

“(C) REPORTS.—Each State to which a grant is made under this section shall annually work with the Secretary to develop a report containing a summary of the activities of the panel.
SEC. 110. DEFINITIONS.
Section 114(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(h)(1)) is amended—

(1) in the matter preceding subparagraph (A), by inserting a comma after "maintain"; and

(2) in subparagraph (F), by adding a semicolon at the end.

SEC. 111. AUTHORIZATION OF APPROPRIATIONS.
Section 114(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(h)(1)) is amended—

(a) by adding at the end of paragraph (4) the following new paragraph:

``(5) Of the amounts made available for a fiscal year under subsection (i), the Secretary shall make available 30 percent of such amounts to fund discretionary activities under this title.

(b) by striking paragraph (6); and

(c) in section (c)—

(i) in the matter preceding subparagraph (A), by inserting a comma after "maintain"; and

(ii) in subparagraph (F), by adding a semicolon at the end.

SEC. 112. RULE OF CONSTRUCTION.
Title I of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104 et seq.) is amended by adding at the end the following new section:

``SEC. 115. RULE OF CONSTRUCTION.
(A) Nothing in this Act shall be construed—

(1) to provide Federal or State financial participation in any assistance to any individual who is in need of medical care or services because of mental or emotional illness; or

(2) to provide Federal or State financial participation in any assistance to any individual who is in need of medical care or services for any condition other than a medical condition which is physically manifested; or

(3) concerning the exclusion of any program or service from the definition of "medical assistance," in any determination of income or eligibility for medical assistance, or in any federal or State requirements concerning medical assistance or eligibility for medical assistance.

(B) Nothing in this Act shall be construed to—

(1) authorize Federal or State financial participation in any assistance to any individual who is in need of medical care or services because of mental or emotional illness; or

(2) authorize Federal or State financial participation in any assistance to any individual who is in need of medical care or services for any condition other than a medical condition which is physically manifested; or

(3) exclude any program or service from the definition of "medical assistance," in any determination of income or eligibility for medical assistance, or in any federal or State requirements concerning medical assistance or eligibility for medical assistance.

(C) Nothing in this Act shall be construed to—

(1) authorize Federal or State financial participation in any assistance to any individual who is in need of medical care or services because of mental or emotional illness; or

(2) authorize Federal or State financial participation in any assistance to any individual who is in need of medical care or services for any condition other than a medical condition which is physically manifested; or

(3) exclude any program or service from the definition of "medical assistance," in any determination of income or eligibility for medical assistance, or in any federal or State requirements concerning medical assistance or eligibility for medical assistance.

(D) Nothing in this Act shall be construed to—

(1) authorize Federal or State financial participation in any assistance to any individual who is in need of medical care or services because of mental or emotional illness; or

(2) authorize Federal or State financial participation in any assistance to any individual who is in need of medical care or services for any condition other than a medical condition which is physically manifested; or

(3) exclude any program or service from the definition of "medical assistance," in any determination of income or eligibility for medical assistance, or in any federal or State requirements concerning medical assistance or eligibility for medical assistance.

SEC. 113. TECHNICAL AND CONFORMING AMENDMENTS.
(a) CHILDBEFORE ABUSE PREVENTION AND TREATMENT ACT.—

(1) Sections 104 through 107 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104 through 5107), as amended by this subtitle, are redesignated as sections 103 through 106 of such Act, respectively.

(b) Sections 108 through 111 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5108 through 5111), as amended by this subtitle, are redesignated as sections 107 through 110 of such Act, respectively.

(c) Section 112 of the Child Abuse Prevention and Treatment Act, as added by section 112 of this Act, is redesignated as section 113 of the Child Abuse Prevention and Treatment Act.

SEC. 115. RULE OF CONSTRUCTION.
Nothing in this Act shall be construed—

(a) to provide Federal or State financial participation in any assistance to any individual who is in need of medical care or services because of mental or emotional illness; or

(b) to authorize Federal or State financial participation in any assistance to any individual who is in need of medical care or services for any condition other than a medical condition which is physically manifested; or

(c) to exclude any program or service from the definition of "medical assistance," in any determination of income or eligibility for medical assistance, or in any federal or State requirements concerning medical assistance or eligibility for medical assistance.

SEC. 116. DEFINITIONS.
Section 114(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(h)(1)) is amended—

(a) in the definition of "child abuse or neglect," by striking the period at the end and inserting "; and

(b) in the definition of "inter-familial relationships," by inserting "and in cases of caretaker or exploitation, or an act or failure to act which presents an imminent risk of serious harm; and" after "sexual abuse or exploitation, or an act or failure to act which presents an imminent risk of serious harm; and"

SEC. 117. TECHNICAL AND CONFORMING AMENDMENTS.
(a) IN GENERAL.—There are redesignated as sections 103 through 111 of title IV of the Victims of Crime Act (42 U.S.C. 35201 through 35211), respectively.

(b) EFFECTIVE DATE.—This section applies with respect to Fiscal Year 1999.

SEC. 118. RULE OF CONSTRUCTION.
Nothing in this Act shall be construed to—

(a) authorize Federal or State financial participation in any assistance to any individual who is in need of medical care or services because of mental or emotional illness; or

(b) authorize Federal or State financial participation in any assistance to any individual who is in need of medical care or services for any condition other than a medical condition which is physically manifested; or

(c) exclude any program or service from the definition of "medical assistance," in any determination of income or eligibility for medical assistance, or in any federal or State requirements concerning medical assistance or eligibility for medical assistance.
local, collaborative, public-private partnerships directed by interdisciplinary structures with balanced representation from private and public sector members, parents, and public and private nonprofit providers and individuals and organizations experienced in working in partnership with families with children with disabilities; and

(3) the chief executive officer of the State provides assurances that the lead entity—

(A) has demonstrated commitment to parent participation in the development, operation, and oversight of the Statewide network of community-based, prevention-focused, family resource and support programs; and

(B) has demonstrated ability to work with State and community-based public and private nonprofit organizations to develop a continuum of preventive, family centered, comprehensive services for children and families through the Statewide network of community-based, prevention-focused, family resource and support programs;

(C) has the capacity to provide operational and financial oversight and technical assistance, to the Statewide network of community-based, prevention-focused, family resource and support programs;

(D) will integrate its efforts with individuals and organizations experienced in working in partnership with families with children with disabilities and with the child abuse and neglect prevention activities of the State, and demonstrate a financial commitment to those activities.

SEC. 203. AMOUNT OF GRANT.

(1) The Community-Based Family Resource and Support Programs grant program described in subsection (a) shall be for a 3-year period and

(2) shall be provided by the Secretary to the State on an annual basis, as described in subsection (a).

SEC. 204. EXISTING GRANTS.

(a) In General.—Notwithstanding the enactment of the Child Abuse Prevention and Treatment Act Amendments of 1996, a State shall be eligible for a grant under subsection (a) if—

(1) the Community-Based Family Resource and Support Programs grant program described in subsection (b), shall continue to receive funds under such program, subject to the original terms under which such funds were provided under the grant, through the end of the applicable grant cycle;

(b) Programs Described.—The programs described in this subsection are the following:

(1) The Community-Based Family Resource and Support Programs grant program under section 201 of this Act, as such section was in effect on the day before the date of the enactment of the Child Abuse Prevention and Treatment Act Amendments of 1996.

(2) The Family Support Center programs under subtitle F of title VII of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11481 et seq.), as such title was in effect on the day before the date of the enactment of the Emergency Child Abuse Prevention Services grant program under section 107A of this Act, as such section was in effect on the day before the date of the enactment of the Human Services Amendments of 1994.


SEC. 205. APPLICATION.

A grant may not be made to a State under this title unless an application therefor is submitted to the Secretary and such application contains the types of information specified by the Secretary as essential to carrying out the provisions of section 202 in the case of Applications.
than 20 percent of the amount received under this title (in cash, not in-kind) for activities under this title; (5) an assurance that funds received under this title shall be used to develop, implement, operate, expansion and enhancement of a Statewide network of community-based, prevention-focused, family resource and support programs; (6) an assurance that the State has the capacity to ensure the meaningful involvement of parents who are consumers and who can provide leadership in the planning, implementation, and evaluation of the programs and policy decisions of the applicant agency in achieving the desired outcome; and (7) a description of the criteria that the entity will use to develop, or select and fund, individual community-based, prevention-focused, family resource and support programs as part of network development, expansion or enhancement; (8) a description of outreach activities that the entity and the community-based, prevention-focused, family resource and support programs will undertake to maximize the participation of racial and ethnic minorities, adults with disabilities, homeless families and those at risk of homelessness, and members of other underserved or underrepresented groups; (9) a plan for providing operational support, training and technical assistance to community-based, prevention-focused, family resource and support programs for development, operation, expansion and enhance- ment activities; (10) a description of how the applicant entity’s activities and those of the network and its members will be evaluated; (11) a description of the actions that the applicant entity will take to advocate systemic changes in State policies, practices, procedures and regulations to improve the delivery of prevention-focused, family resource and support programs services to children and families; and (12) an assurance that the applicant entity will provide the Secretary with reports at such time and containing such information as the Secretary may require.

SEC. 206. LOCAL PROGRAM REQUIREMENTS.

(a) In General.−Grants made under this title shall be used to develop, implement, operate, expand and enhance community-based, prevention-focused, family resource and support programs that— (1) assess community assets and needs through a planning process that involves parents, local public agencies, local nonprofit organizations, and private sector representatives; (2) develop a strategy to provide, over time, a continuum of preventive, family- centered services to children and families, especially to young parents and parents with young children, through public-private partnerships; (3) provide— (A) core family resource and support services such as parent education, mutual support and self-help, and leadership services; (ii) outreach services; (iii) community and social service referrals; and (iv) follow-up services; (B) other core services, which must be provided or arranged for through contracts or interagency agreements with other local agencies, including all forms of respite care services to the extent practicable; and (C) access to optional services, including— (i) referral to and counseling for adoption services for individuals interested in adopting a child or relinquishing their child for adoption; (ii) child care, early childhood development and intervention services; (iii) referral to and supports to meet the additional needs of families with children with disabilities; (iv) referral to job readiness services; (v) referral to educational services, such as special education services, together with services characterized as scholastic tutoring, literacy training, and General Educational Degree services; (vi) self-sufficiency and life management skills training; (vii) community referral services, including early developmental screening of children; and (viii) peer counseling; (4) develop leadership roles for the meaningful involvement of parents in the development, operation, evaluation, and oversight of the programs and services; (5) provide leadership in mobilizing local public and private resources to support the provision of family resource and support programs services; and (6) participate with other community-based, prevention-focused, family resource and support programs in the support of, or interagency agreement, including all forms of respite care services; and (7) shall describe the results of a peer review process conducted under the State program; and (8) shall demonstrate an implementation plan to ensure the continued leadership of parents in the on-going planning, implementation, and evaluation of such community resource and support services.

SEC. 207. NATIONAL NETWORK FOR COMMUNITY-BASED FAMILY RESOURCE PROGRAMS.

(a) The Secretary may allocate such sums as may be necessary from the amount provided under this title to support the activities of the lead entity in the State— (1) to create, operate and maintain a peer review process; (2) to create, operate and maintain an information clearinghouse; (3) to fund a yearly symposium on State system change efforts that result from the implementation of the Statewide network of community-based, prevention-focused, family resource and support programs; (4) to create, operate and maintain a computerized communication system between lead entities; and (5) to fund State-to-State technical assistance through bi-annual conferences.

SEC. 208. DEFINITIONS.

For the purposes of this title: (1) CHILDREN WITH DISABILITIES.−The term "children with disabilities" has the same meaning given such term in section 602(a)(2) of the Individuals with Disabilities Education Act. (2) COMMUNITY REFERRAL SERVICES.−The term "community referral services" means services provided under contract or through interagency agreements to assist families in obtaining needed information, mutual support and community resources, including respite care services, health and mental health services, employability development, and job training, and other social services, including early developmental screening of children, through help lines or other methods of service delivery. (3) FAMILY RESOURCE AND SUPPORT PROGRAM.−The term "family resource and support program" means a community-based, prevention-focused entity that— (A) provides, through direct service, the core services required under this title, including— (i) parent education, support and leadership services, together with services characterized by relationships between parents and professionals that are based on equality and respect and designed to assist parents in acquiring parenting skills, learning about child development, and responding appropriately to the behavior of their children; and (ii) services to facilitate the ability of parents to serve as resources to one another (such as through mutual support and parent self-help groups); (B) outreach services provided through voluntary home visits and other methods to assist parents in becoming aware of and able to participate in family resources and support program activities; (i) community and social services to assist families in obtaining community resources; and (ii) follow-up services; (B) provides, or arranges for the provision of, other core services through contracts or agreements with other local agencies, including all forms of respite care services; and (C) provides access to optional services, directly or by contract, purchase of service, or interagency agreement, including— (i) child care, early childhood development and early intervention services; (ii) referral to self-sufficiency and life management skills training; (iii) referral to other related services, such as scholastic tutoring, literacy training, and General Educational Degree services;
visits or other methods, in accessing and reach services’ means services provided to

Sec. 102. Advisory Board on Child Abuse

prevention and treatment (42 u.s.c. 5101 note) is amended to read as follows:


Subtitle C—Certain Preventive Services Regarding Children of Homeless Families or Families At Risk of Homelessness

Sec. 131. REPEAL OF TITLE III.

Subtitle D—Miscellaneous Provisions

Sec. 141. TABLE OF CONTENTS.

The table of contents of the Child Abuse Prevention and Treatment Act (42 u.s.c. 5101 et seq.) is repealed.

Subtitle E—Services

Sec. 201. Purpose and authority.


Sec. 203. Amount of grant.

Sec. 204. Existing grants.

Sec. 205. Application.

Sec. 206. Grant program requirements.

Sec. 207. Performance measures.

Sec. 208. National network for community-based family resource programs.

Sec. 209. Definitions.


Sec. 107. Grants to States for programs related to early intervention and screening of children.

(vii) community and social service referrals, including early developmental screening of children;

(viii) peer counseling;

(ix) referral for substance abuse counseling and treatment; and

(x) help line services.

(4) Outreach services.—The term “outreach services” means services provided to assist communities, through voluntary home visits or other methods, in accessing and participating in family resource and support programs.

(5) Respite care services.—The term “respite care services” means short term care services provided in the temporary absence of the regular caregiver (parent, other relative, foster parent, adoptive parent, or guardian) to children who—

(A) are in danger of abuse or neglect;

(B) have experienced abuse or neglect; or

(C) have disabilities, chronic, or terminal illnesses.

Such services shall be provided within or outside the home of the child, be short-term care (ranging from a few hours to a few weeks of time, per year), and be intended to enable the family to stay together and to keep the child living in the home and community of the child.


There are authorized to be appropriated to carry out this title, $66,000,000 for fiscal year 1997 and such sums as may be necessary for each of the fiscal years 1998 through 2001.

Subtitle C—Certain Preventive Services Regarding Children of Homeless Families or Families At Risk of Homelessness

Sec. 131. REPEAL OF TITLE III.

Title III of the Child Abuse Prevention and Treatment Act (42 u.s.c. 5118 et seq.) is repealed.

Subtitle D—Miscellaneous Provisions

Sec. 141. TABLE OF CONTENTS.

The table of contents of the Child Abuse Prevention and Treatment Act (42 u.s.c. 5101 et seq.) is repealed to read as follows:

Sec. 1. Short title and table of contents.

Sec. 2. Findings.

TITLE I—GENERAL PROGRAM

Sec. 101. Office on Child Abuse and Neglect.

Sec. 102. Child Abuse and Neglect Board on Child Abuse and Neglect.

Sec. 103. National clearinghouse for information relating to child abuse.

Sec. 104. Research and assistance activities.

Sec. 105. Grants to public agencies and nonprofit private organizations for demonstration programs and projects.

Sec. 106. Grants to States for child abuse and neglect prevention and treatment programs.

Sec. 107. Grants to States for programs related to the investigation and prosecution of child abuse and neglect cases.

Sec. 108. Miscellaneous requirements relating to assistance.

Sec. 109. Coordination of child abuse and neglect programs.

Sec. 110. Reports.

Sec. 111. Definitions.

Sec. 112. Authorization of appropriations.

Sec. 113. Construction.

TITLE II—COMMUNITY-BASED FAMILY RESOURCE AND SUPPORT GRANTS

Sec. 201. Purpose and authority.


Sec. 203. Amount of grant.

Sec. 204. Existing grants.

Sec. 205. Application.

Sec. 206. Grant program requirements.

Sec. 207. Performance measures.

Sec. 208. National network for community-based family resource programs.

Sec. 209. Definitions.


SEC. 131. REPEAL OF TITLE III.

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Sec. 203. Amount of grant.

Sec. 204. Existing grants.

Sec. 205. Application.

Sec. 206. Grant program requirements.

Sec. 207. Performance measures.

Sec. 208. National network for community-based family resource programs.

Sec. 209. Definitions.


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Sec. 205. Application.

Sec. 206. Grant program requirements.

Sec. 207. Performance measures.

Sec. 208. National network for community-based family resource programs.

Sec. 209. Definitions.

 SEC. 231. REAUTHORIZATION OF VARIOUS PROGRAMS.

(a) Authorization of Appropriations.—Section 408 of the Missing Children's Assistance Act of 1990 (42 U.S.C. 5778) is amended—

(1) by striking "To" and inserting "(a) IN GENERAL.—To"

(a) by striking "and inserting "1996, and each of the fiscal years 1998 through 2001"; and

(b) by striking "and inserting "1997 through 2001"; and

(c) by striking "1996" and inserting "1996, and each of the fiscal years 1998 through 2001"

SEC. 232. VICTIMS OF CHILD ABUSE ACT OF 1990.

Section 214(b) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13004) is amended—

(1) in subsection (a)(2), by striking "and 1996" and inserting "1996, and each of the fiscal years 1998 through 2000"; and

(2) in subsection (b)(2), by striking "and 1996" and inserting "1996, and each of the fiscal years 1997 through 2000".

SEC. 233. MISSING CHILDREN'S ASSISTANCE ACT.

(a) Authorization of Appropriations.—Section 408 of the Missing Children's Assistance Act (42 U.S.C. 5778) is amended—

(1) by striking "To" and inserting "(a) IN GENERAL.—To"

(b) Evaluation.—The Administrator may use not less than 20 percent of the amounts appropriated for a fiscal year under subsection (a) to conduct an evaluation of the effectiveness of the programs and activities established under this subchapter; and

(c) Special Study and Report.—Section 409 of the Missing Children's Assistance Act (42 U.S.C. 5778) is repealed.

The House amendment to S. 919, before us today, maintains these important changes by the Senate and adds further improvements upon the Senate bill by making significant additional changes. These House changes, which are supported by the Senate, coupled with the initial improvements in the Senate bill will further assist abused and neglected children. Under these changes:

- No longer will infants who have been abandoned by their parents in hospitals or back alleys be denied the opportunity to be adopted in a timely manner by loving parents. States will be required to expedite the termination of parental rights, when infants have been abandoned. Currently, when an infant is abandoned, they often end up in "foster care limbo" for months, even years, while continued vain attempts are made to reunify the infant with his or her parents who abandoned them in their first hours of life.

- No longer will States, in overzealous attempts of "family preservation," keep children back in homes where parents have been convicted of egregious acts such as murder, voluntary manslaughter or felony assaults of their own children.

Finally, the changes made in the House will provide new opportunities for citizens—not just child protection bureaucrats—to play an integral role in ensuring that States are meeting their goals of protecting children from abuse and neglect. Improving upon the Senate version, the changes made to CAPTA by both the Senate and the House, I believe there is new hope for a better child protection system in this nation. However, it will take much more than...
passage of this legislation to stop the tragic increase of child abuse and neglect. It takes responsibility and dedication from each and every citizen to be active within our communities, churches, and schools—to not only reach out to our children who are being abused but also to hold child protection services accountable within their communities to ensure that child protection agencies are effectively responding to cases of child abuse and neglect.

I want to further detail and explain the changes which are included in the House substitute to the Senate passed version of S. 919.

Under section 104, dealing with the National Clearinghouse for Information Related to Child Abuse, language was added to ensure the confidentiality of any case specific data. However, pursuant to the confidentiality language contained in section 107, as amended, we do not foresee any particular instance where the clearinghouse will release information about any case specific data. Instead, this provision is intended as a precautionary provision in the event the clearinghouse does in fact come into contact with any such information.

Under Grants for Demonstration Programs, language was deleted from the Senate passed version dealing with grants to provide culturally specific instruction. In general, there has been much sensitivity with regard to "culturally specific instruction" in the field of child abuse and neglect. This stems from a concern that in some instances true cases of child abuse have been disregarded as "acceptable behavior" in a specific culture. In light of the deletion of this provision, along with several other such references, additional language was added under section 201(a) of the Community-Based Family Resource and Support Grants. Specifically, this language adds as a purpose, "to foster an understanding, appreciation, and knowledge of diverse populations in order to be effective in preventing and treating child abuse and neglect." In addition, language was maintained in section 105 of the Senate bill which will provide research in the area of "cultural and socio-economic distinctions" of child abuse and neglect. It is our hope that this research will shed additional light on this important topic.

Also within section 106, language was added to limit the number of grants available for Kinship Care. Specifically, no more than 10 States may be awarded a grant to assist such entities in developing or implementing procedures under this important topic. In addition, language was maintained in section 105 of the Senate bill which will provide research in the area of "cultural and socio-economic distinctions" of child abuse and neglect. It is our hope that this research will shed additional light on this important topic.

Under section 107, Grants to States for Child Abuse and Neglect Prevention and Treatment, several significant changes were made.

In general, the House amendment streamlines the State plan and the State eligibility requirements. Under the Senate bill, as under current law, the plan and requirements are separate from child abuse and neglect. In addition, the new language merges the plan elements under the State requirements. Senate language, which I strongly support, was also maintained to ensure coordination to the maximum extent practicable between this State plan and the State plan under part B of title IV of the Social Security Act relating to the child welfare services and family preservation and family support services.

With respect to the elements included under the State plan requirements, language was added to provide more flexibility to States in appointing a guardian ad litem, by clarifying that they need not be an attorney, but instead may be a court appointed special advocate (or both). Language was also added to clarify that the role of such individuals will include obtaining first hand, a clear understanding of the situations and needs of the child and to make recommendations to the court concerning the best interests of the child. However, it is not intended that this be an exhaustive list of the responsibilities of such individuals. Under current law, and in the current system, there are more and more cases where an appointed guardian has made virtually no contact with the child, while proceeding to make unfounded recommendations to the courts. This legislation strengthens the requirement that these representatives know and actively advocate the best interests of the children they are representing. Related to this, the House amendment adds language which will ensure more information is gathered with regard to these representatives.

Another key change under this section pertains to assisting abandoned infants. Specifically, within 2 years, States will be required, as a condition of funding, to have procedures in place for the expedited termination of parental rights in the case of any infant determined to be abandoned under State law. With these provisions in place, countless numbers of infants who would otherwise languish in the foster care system will have new opportunities of being adopted at a very young age by loving parents.

In addition, providing new opportunities for babies that have been abandoned, this legislation also adds balance to a system which by many accounts has moved too far towards a model of "family preservation" even in the face of the most egregious crimes committed by parents against their own children.

Under this legislation, States will have no more than 2 years to ensure that they do not require reunification of a surviving child with a parent who has been convicted of a serious and violent crime such as murder, voluntary manslaughter or in some cases, neglect of their own children. In addition, States must ensure that these felonies constitute grounds under State law for the termination of parental rights of the convicted parent as to the surviving children. However, we have clarified that case by case determinations of whether or not to seek termination of parental rights shall be within the sole discretion of the State.

Another key change in the House amendment is the addition of citizen review panels. These panels will provide new opportunities for citizens to play an integral role in ensuring that States are meeting their responsibilities related to the child protection standards, and coordinating with foster care and adoption programs. They will also review child fatalities and near fatality cases. In carrying out their duties, language has been added which clarifies that the State provide the panel access to information the panel desires as to allow the panel to carry out its functions.

Because these panels will have access to case specific records, language was included to ensure that the members and staff of these panels be held to stringent confidentiality standards back up with civil sanctions for violating these standards.

I also want to highlight language included in section 107 from the Senate passed version. These new language will require States to submit a report on the success of their child protection system. Along with the Senate's data elements, the House amendment includes an additional requirement that data be collected on the number of children reconciled with their families or receiving family preservation services, that within 5 years, result in subsequent substantial reports of child abuse and neglect, including the death of the child. In addition, information will be gathered on the number of children for whom individuals were appointed by the court to represent the best interests of such children and the average number of out of court contacts between such individuals and children. Quality data in both of these areas is lacking despite the fact that much time and effort has been invested at the Federal, State and local levels into "family preservation" and requirements for the appointment of individuals to represent abused and neglected children in courts. This information will provide valuable insight into these areas.

Under section 110, language was added in the House amendment to expand the definition of sexual abuse to include statutory rape in cases of caretaker or interfacial relationships. Although rape has always been within the definition of sexual abuse this will clarify this to also mean statutory rape.

Under section 111, Authorization of Appropriations, Senate language was modified to slightly decrease the amount of funds under title I made available for discretionary activities. As a result, additional funds will be available to go directly to States in order to improve their child protective systems.

The House amendment also made several modifications to the Senate language included under title II, the community-based family resource and support grants.

Specifically, language was added under section 202, clarifying that a lead entity, as designated to administer these funds, may be an entity that has not been established pursuant to State legislation, Executive Order, or any written authority of the State. Further, language was added to ensure that States that have already designated a State trust fund advisory board to administer funds under the existing program, go through the process of
Mr. Speaker, I reserve the balance of my time.

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

Mr. Speaker, I rise today in support of S. 919, which will reauthorize the Child Abuse Prevention and Treatment Act into the first year of the new century.

I am very gratified that we are here today with a proposal that has bipartisan backing and is supported by the professionals across this country who wish that our consciences and forces us again and again to ask why we could not prevent the loss or scarring of such innocent lives. Unfortunately, these high-profile cases represent only the tip of a very tragic iceberg. As we all know, last week Health and Human Services Secretary Donna Shalala released the Third National Incidence Survey of Child Abuse and Neglect which revealed that the number of child abuse cases has doubled in just 7 years. That report also points out that over 1 million children are identified as harmed or abused—a 16 percent drop in a 7-year period.

Shrinking State budgets have meant increasing caseloads. In most States, Child Protective Services [CPS] caseworkers have on average double the standard recommended caseload. This translates into reports that go unanswered and children that remain in perilous conditions. I sincerely hope that the Citizen Review Panels established under title I will help increase public awareness that even the most heroic caseworkers cannot possibly serve the needs of the children and families in their communities under these circumstances.

When the changes and requirements of the new welfare reform law are fully implemented caseworkers are likely to face even greater burdens. Those of us who are familiar with the child care delivery system cannot be surprised that the new requirements of the welfare reform law will result in serious child care shortages across the country. Where child care is unavailable and children are left at home alone when parents work, child protective services will be further challenged to find remedies for such cases of child neglect. I sincerely hope that the Citizen Review Panels, which States will be required to establish, will help build a case for additional resources to child protection agencies which provide critical family support and prevention services to communities.

Mr. Speaker, the CAPTA reauthorization proposal before us today will help communities improve services to families through increased flexibility for child protection programs and reduced administrative burdens on States. The bill does not promote the status quo. It consolidates several Federal funding streams by adding four categorical programs into one community-based prevention grant to support prevention services to families. It will also help refine the role played by the Federal Government in helping States and communities to prevent and treat child abuse and neglect, including support for research and demonstration efforts to develop new approaches to prevention.

I want to thank my colleagues in the Senate, Senators Kennedy, Dole, and Craig, whose very valuable contributions to this measure.

Mr. Speaker, I am very gratified that this crucial program was not “block granted” back to the States in the welfare reform bill. I think that would have been a serious mistake. Instead, this proposal reaffirms the strong Federal leadership role in combating child abuse and neglect. What does that mean? It means targeting funds at prevention efforts, guaranteeing essential funding for children who are the most vulnerable, providing funds for research, as well as valuable technical assistance, training, and data collection.

Finally, I would like to say this to my colleagues. This reauthorization proposal ensures that each of us will continue to have a voice for children like Lisa Steinberg and Nadine Lockwood whose voices were silenced before anyone could help.

I urge my colleagues to vote for this proposal.

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

Mr. GOODLING. Mr. Speaker, I yield 4 minutes to the very distinguished gentleman from Arkansas [Mr. HUTCHINSON], a member of the committee.

Mr. HUTCHINSON. Mr. Speaker, I rise today in strong support of S. 919, the Child Abuse, Prevention and Treatment Act.

I commend Chairman GOODLING, Ranking Member CLAY, as well as our colleagues in the Senate for working together to bring this important bill to the floor.

Mr. Speaker, 2 years ago this month I received a 1,300 name petition from my constituents in northwest Arkansas regarding the child abuse case of Kend- dall Moore. Kendall was a tiny infant who in the first 5 months of his life had virtually every bone in his body broken and his skull cracked. Finally on April 7, 1994, after the baby was admitted to the intensive care unit, authorities arrested those responsible for this horrendous abuse—the child’s own father and as an accom- plice, the baby’s mother.

As you can imagine, this case caused an uproar in northwest Arkansas. How- ever, the action that really incensed my constituents was when the court decided to return the baby to his father. I just want to thank my staff who made very valuable contributions to this measure.

Mr. Speaker, I am very gratified that this crucial program was not “block granted” back to the States in the welfare reform bill. I think that would have been a serious mistake. Instead, this proposal reaffirms the strong Federal leadership role in combating child abuse and neglect. What does that mean? It means targeting funds at prevention efforts, guaranteeing essential funding for children who are the most vulnerable, providing funds for research, as well as valuable technical assistance, training, and data collection.

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Mr. GOODLING. Mr. Speaker, I yield 4 minutes to the very distinguished gentleman from Arkansas [Mr. HUTCHINSON], a member of the committee.

Mr. HUTCHINSON. Mr. Speaker, I rise today in strong support of S. 919, the Child Abuse, Prevention and Treatment Act.
In response to the outcry from my constituents, in January 1995, I hosted a meeting in my district office, bringing together Arkansas State legislators, foster parents and child advocates. I was appalled by the stories I heard. Foster parents told me of children being returned to abusive situations. They told me of foster parents being aware of criminal abuse and not being able to testify in court. I was also told of doctors not being able to come forward due to confidentiality concerns. Unfortunately, I do not believe this tragic situation is unique to Arkansas.

Mr. Speaker, I am a strong supporter of the family and of doing everything we can to keep families together and encouraging the bond between parent and child. I am also a strong defender of the constitutional rights of parents.

However, we as a society have an obligation to protect the weakest and most vulnerable. There is something seriously wrong when we allow children and infants to be returned to homes where criminal abuse has occurred.

Based on the input I have received, there are several areas where we could reform CAPTA. First, we need to allow foster parents a greater opportunity to have input into the system. S. 919 requires States to establish citizen review panels to review the activities of State and local agencies. Specific duties include review coordination of child abuse prevention programs with foster care and adoption programs; and the review of cases involving child fatalities and near fatalities.

Second, we need to promote greater interagency cooperation. Very often State human services departments are not equipped to deal with cases of criminal abuse; nor should they be. These cases rightfully fall under the jurisdiction of law enforcement. S. 919 amends the Family Violence Prevention and Services Act to States on a population basis. Small population States receive a minute allocation under this act of $200,000, or 1 percent, whichever is less. S. 919 would increase the minimum allocation to $400,000 so small States can receive a fair share of the new funding available under the Violence Against Women Act.

In the State of Hawaii, the percentage of homicides that were committed by family members is now seen as twice the national average, and it is on a rising trend and one of the fastest growing hot spots in the country, and as a result, the focus for Hawaii’s domestic violence shelters and services can turn this frightening statistic around.

Mr. Speaker, I wanted to go over a bit of the chronology of events as to how this report now reaches us on the floor because I think it is instructive not only for the membership, but for the community at large, as to how a matter that is seen as having tremendous public impact and community impact is able to be dealt with by the Congress. I think this is a civics lesson, a civics lesson, if my colleagues will, Mr. Speaker, in how to deal with drastic circumstances that are not otherwise amenable to being resolved in the community minus the legislative support of the Congress.

In the course of that I wanted to compliment the office of the gentleman from Delaware [Mr. CASTLE], the staff in his office, and most especially want to thank the ranking member, the gentleman from Utah [Mr. KILDEE], and his staff, and I want to recognize and commend the gentleman from Pennsylvania [Mr. GOODLING], and his staff, for recognizing in turn how important this amendment was in seeing it through the entire conference. It is the kind of thing that can easily be lost unless there is an alert staff as to how important the change from $200,000 to $400,000 would be. I got that in July. I am citing the specific times, Mr. Speaker, because I want to show how it is possible for the Congress to act with a concerted effort and respond rapidly, and this is an excellent example of it.

I drafted a letter, a “Dear Colleague” letter, to Members, and I am very pleased that the gentlewoman from Hawaii [Ms. MINK] and the gentleman from Delaware, Mr. CASTLE, were the original signers of the letter, and we consulted with the staff of Mr. GOODLING’s committee, and we sent a “Dear Colleague” letter out to Members whose districts and whose States were affected. We invited them to sign a letter to Chairman GOODLING of the Committee on Economic and Educational Opportunities in support of increasing the minimum, and I would like to quote, if I might, Mr. Speaker, from the letter from the gentleman from Kentucky [Mr. GOODLING] because I think it provides, again, an example and a basis for understanding how legislation can be brought promptly to the floor in a way that effectively speeds the ends sought.

In addressing the chairman we wrote requesting his support for increasing the small State minimum in the distribution of funds. Small States were guaranteed a minimum, as I indicated, of $200,000 Congress increased the appropriation from $32 million in fiscal year 1995 to $47 million in 1996. Unfortunately, the small State minimum did not receive a comparable increase; thus States which represented those of us who signed that letter to the gentleman from Pennsylvania [Mr. GOODLING], Alaska, Delaware, Washington, DC, Hawaii, Idaho, Maine, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Rhode Island, South Dakota, Utah, Vermont, Virginia, Wyoming did not benefit from the funding increase. Small States, of course, have the same pressing needs as large States to provide adequate services for women who have been the victims of domestic violence. Consequently, we believed that it was imperative that the small State minimum be increased. The Senate had already increased the small State minimum to $400,000 in the Child Abuse and Prevention Treatment Act, and was expecting to include it in the Labor, HHS and Education Appropriations bill but obviously required support of the gentlewoman from Pennsylvania [Mr. GOODLING] and the conferees in the conference. The result, Mr. Speaker, is before us today. It has been accomplished. In other words, between July and September of this year on a bipartisan basis, we were able to deal with this crisis. Small States were recognized, and appropriately, the children and those others who come under the aegis of this act were recognized as being in need.
So I would like to close with a profound sense of gratitude to the gentleman from Pennsylvania [Mr. Goodling] and the committee and indicate that I hope that this will, if it has to be voted on, will be a unanimous vote of the Congress and from every corner. Mr. Speaker, I refer to a reference to the fact that it is possible for men and women of good will and acting in faith with the Constitution and our duties here in the House to act promptly on behalf of the children of this country.

Mr. GOODLING. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. Fawell].

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

Mr. Speaker, I am pleased that I rose in support of the Child Abuse Prevention and Treatment Act [CAPTA] Amendments of 1996. Since its passage in 1974, CAPTA has provided protection and assistance for one of our nation's most segments—children who have been abused and/or neglected. I am delighted to say that this is yet another bipartisan measure produced by the House Opportunities Committee and brought to the floor under suspension of the rules. I commend Chairman Goodling and ranking member, Mr. clay and Mr. Kildee for their fine effort in bringing this important legislation to the floor.

Mr. Speaker, for a number of years, I have sponsored the "At-Birth Abandoned Baby Act". The bill guarantees all babies abandoned at-birth, or shortly thereafter, the right to immediate placement and bonding with "preadoptive parents." The preadoptive parents are given the right to immediately initiate proceedings for an expeditious adoption of the abandoned baby.

One of the major provisions of the At-Birth Abandoned Baby Act simply requires State welfare authorities to immediately place "at-birth abandoned babies" with suitable "preadoptive parents" who, in turn, will be allowed to immediately file for an expeditious adoption of the abandoned baby in the State court of proper jurisdiction.

Mr. Speaker, I am pleased the Child Abuse Prevention and Treatment Act contains similar provisions which will provide for an expedited adoption procedure for abandoned infants. The bill requires in order to be eligible to receive funds under the Child Abuse Prevention and Treatment Act, States must have in place a program within 2 years which will provide "for the expedited termination of parental rights in the case of any infant determined to be abandoned under State law." Mr. Speaker, I strongly support the inclusion of this provision in the bill.

I would also like to mention that the bill contains a provision which will require the Department of Health and Human Services, in dispensing funds under the Abandoned Infants Assistance Act, to give priority to States which have developed and implemented procedures for expedited placement of abandoned infants. I believe this provision will give States the added incentive to implement this vital expedited adoption procedure.

Mr. Speaker, passage of these two provisions will guarantee those infants abandoned at-birth at least a fighting chance for immediate parental bonding by adoptive parents and a permanent home. I strongly support this bill and urge all of my colleagues to join me in voting for its passage.

Mr. GOODLING. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. Smith] for the purpose of engaging in a colloquy.

Mr. SMITH of Texas. Mr. Speaker, first of all I want to thank my friend from Pennsylvania, Mr. Goodling, who is the chairman of the Committee on Economic and Educational Opportunities for yielding this time to me, but I also want to thank him and the many other colleagues with whom I can reach an agreement on such an important subject.

Mr. Speaker, it is my understanding that under CAPTA, States have been allowed to exempt parents from prosecution for neglect if the parent was employing alternative means of healing as part of the parent's religious practice. CAPTA also has required the States to have procedures in place to report, investigate, and intervene in situations where children are being denied medical care needed to prevent harm.

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

Mr. SMITH of Texas. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Speaker, that is correct. The two provisions the gentleman has described have caused problems for some States. In recent years, the Department of Health and Human Services has moved to disqualify certain States from CAPTA funding based on the State's accommodation of the religion treatment in lieu of medical treatment.

Mr. SMITH of Texas. Mr. Speaker, it is my further understanding that we have clarified that issue in the rule of construction before us.

Mr. GOODLING. Yes, we have. After a very lengthy negotiation we have reached a compromise which will both protect the rights of medical intervention while ensuring that the first amendment rights of parents to practice their religion are not infringed upon. Under this bill, no parent or legal guardian is required to provide a child with medical service or treatment against their religious beliefs, nor is any State required to find, or prohibited from finding, abuse or neglect cases where the parent or guardian relied solely or partially upon spiritual means rather than medical treatment in accordance with their religious beliefs.

Mr. SMITH of Texas. Does the bill address States' authority to pursue any legal remedies necessary to provide medical care or treatment when such care or treatment is necessary to prevent or remedy serious harm to the child, or to prevent the withholding of medically indicated treatment from children with life-threatening conditions?

Mr. GOODLING. Yes, it does. In addition, the bill gives States sole discretion over case-by-case determinations relating to exercise of authority in this area. No State is foreclosed from considering parents' use of treatment by spiritual means. No State is required to prosecute parents in this area. But every State must have in place the authority to intervene to protect children in need.

Let me also state that nothing under this bill should be interpreted as discouraging the reporting of suspected incidents of medical neglect to child protection services, where warranted.

Mr. SMITH of Texas. Mr. Speaker, if the gentleman will continue to yield, I also see a new section has been added that requires the States to include in their laws, as statutory grounds for termination of parental rights, conviction of parents for certain specified crimes against children.

It also eliminates the Federal mandate that States must seek reunification of the convicted parent with surviving children. Given the crimes that have been specified, a murder or voluntary manslaughter and felonious assault, it appears what we are addressing is a parent who deliberately takes a life or seriously injures his child.

Mr. GOODLING. That is correct. This section is intended to give the States flexibility in this area by not requiring them to seek to reunify a parent convicted of a serious and violent crime against his child with that child. Given crimes that other children may still seek to reunify the family, but will no longer be required to do so by Federal law.

Second, the bill provides that these very serious crimes should be grounds in State law for the termination of parental rights. Any decision, however, to terminate parental rights even in these cases is entirely a State issue and remains so under the bill.

Mr. SMITH of Texas. Would States be able to consider parents' motive when deciding to terminate parental rights or seek reunification of this family, and could this include sincerely held religious beliefs of the parents?

Mr. GOODLING. Absolutely. Since this is the only area of State law, States are free to consider whatever mitigating circumstances they wish.

Mr. SMITH of Texas. Mr. Speaker, I thank the gentleman for yielding, and for his help.

Mr. GOODLING. I want to thank the staff on both sides, Mr. Speaker, and the gentleman from Michigan [Mr. Kildee], the ranking member. This is just another indication, one more of those
bipartisan bills that this committee has brought to the floor and acted upon expeditiously.

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

Mr. Speaker, I appreciate the gentleman’s work and the work of my colleagues and the hard work of the advocates and the children and all the folks that have always loved and worked with him, and we are able to achieve a great deal of bipartisan work because of our respect for one another. I think more of that would be helpful to the whole House.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of the Child Abuse Prevention and Treatment Act. This measure will authorize $100 million in fiscal year 1997 for child abuse prevention and treatment programs.

The bulk of this money will support the State grant program which provides child protective services where they are most effective—at the State level. This grant program helps States screen and investigate reports of child abuse or neglect; provide case management and deliver service to children and their families; and enhance risk and safety assessment tools and expand training for service providers and those required to report suspected cases of child abuse.

Our children are our most precious resource and we must take steps to root out and eliminate abuse and maltreatment. This bill is a move in that direction. I urge all my colleagues to support these amendments and pass this bill.

Mr. UNDERWOOD. Mr. Speaker, I rise today to join my colleagues in supporting the passage of S. 919, the Child Abuse Prevention and Treatment Act Amendments. Child protection is our collective responsibility and the Congressional approval today reinforces our commitment to help our Nation’s most vulnerable children and families.

The number of children reported abused and neglected has tripled since 1981. As more and more families encounter pressures, the caseloads at the child protection agencies increase. The steps we take today, in reauthorizing this program for another 5 years, will expand services to strengthen and support families in need.

Guam is currently receiving about $177,000 in consolidated grants from the Department of Health and Human Services to assist our efforts to combat this problem. Our local child protective agencies have flexibility in designing child protective services, investigations of child abuse and neglect, improvements in risk and safety assessments, and the training of service providers.

The bill will allow Guam the opportunity to apply to the newly resource grants and adoption opportunities grants authorized in this legislation. We can be more effective if we consolidate a number of broad-based networks of child abuse and prevention programs, family support programs, foster care and adoption initiatives. This bill expands the current program and facilitates the collaboration necessary to maximize resources.

Our children are our most important resources. We need to guarantee them a safe haven when threatened or harmed. We need to reassure children at risk that their safety net is strong and viable. And we need to reduce the incidence of child abuse and neglect. The bill passed by the Congress today moves us in the right direction.

Mr. CUNNINGHAM. Mr. Speaker, I rise today in support of S. 919, the Child Abuse Prevention and Treatment Act Amendments, better known as CAPTA.

BICAMERAL, BIPARTISAN SUPPORT FOR REFORMS

This Congress has already adopted CAPTA reforms several times, as part of welfare reform legislation. However, for technical reasons, CAPTA reform was deleted from the welfare reform package enacted by Congress and signed into law by the President. Thus, the Senate adopted S. 919. We take it up today, having negotiated additional improvements with both parties and both Houses of Congress.

THE NEED FOR BETTER CHILD PROTECTIVE SERVICES

Since 1974, CAPTA has provided States a framework to follow with respect to child protective services. Unfortunately, child abuse continues to increase. The latest studies show reports of child abuse and neglect have doubled in the United States, from 1.4 million cases in 1986 to 2.8 million in 1993.

This is nothing less than a national tragedy. We can and must take action. We do, through this bill. Let me identify just a few improvements we are making in CAPTA to fight the epidemic of child abuse and neglect.

We are providing greater protection so that children will not be put back into homes where parents have been convicted of terrible acts against their own children.

We are providing new and expanded roles for private citizens in the area of child abuse and neglect.

In an area we heard a great deal about in my subcommittee hearings, this bill ensures that persons who maliciously file reports of abuse will no longer be protected by CAPTA’s immunity for reporting. Under our bill, only goodfaith reports will be protected.

And we are simplifying the administration of the CAPTA program at the State and local levels.

There is much, much more in this bill that is in the best interests of America’s children. Every American must take a stand that child abuse is wrong. We must stop this plague of abuse.

Every American must take a stand that child abuse is wrong. We must stop this plague of abuse.

SEC. 2. Definitions.

For purposes of this Act:

(1) BOXER.—The term “boxer” means an individual who fights in a professional boxing match.

(2) BOXING COMMISSION.—(A) The term “boxing commission” means an entity authorized under State law to regulate professional boxing matches.

(3) BOXER REGISTRY.—The term “boxer registry” means any entity certified by the Association of Boxing Commissions for the purpose of maintaining records and identification of boxers.

(4) LICENSE.—The term “licensee” means an individual who serves as a trainer, second, or cut man for a boxer.

(5) MANAGER.—The term “manager” means a person who receives compensation for service as an agent or representative of a boxer.

(6) MATCHMAKER.—The term “matchmaker” means a person that proposes, selects, and arranges the boxers to participate in a professional boxing match.

(7) PHYSICIAN.—The term “physician” means a doctor of medicine legally authorized to practice medicine by the State in which the physician performs such function or action.

(8) PROFESSIONAL BOXING MATCH.—The term “professional boxing match” means a boxing contest held in the United States between individuals for financial compensation. Such term does not include a boxing contest that is regulated by an amateur sports organization.

(9) PROMOTER.—The term “promoter” means the person primarily responsible for organizing, promoting, and producing a professional boxing match.

(10) STATE.—The term “State” means each of the 50 States, the District of Columbia, and any territory or possession of the United States.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to improve and expand the system of safety precautions that protects the welfare of professional boxers; and

(2) to assist State boxing commissions to provide proper oversight for the professional boxing industry in the United States.

SEC. 4. BOXING MATCHES IN STATES WITHOUT BOXING COMMISSION.
match held in a State that does not have a boxing commission unless the match is supervised by a boxing commission from another State and subject to the most recent regulations and requirements of such other State.

SEC. 5. SAFETY STANDARDS.

No person may arrange, promote, organize, produce, or fight in a professional boxing match without meeting each of the following requirements or an alternative requirement in effect under regulations of a boxing commission that provides equivalent protection of the health and safety of boxers:

1. A physical examination of each boxer by a physician certifying whether or not the boxer is physically fit to safely compete, copies of which must be provided to the boxing commission.
2. Each as otherwise expressly provided under regulation of a boxing commission promulgated subsequent to the enactment of this Act, an ambulance or medical personnel with appropriate resuscitation equipment continuously present on site.
3. A physician continuously present at ringside.
4. Health insurance for each boxer to provide medical coverage for any injuries sustained in the match.

SEC. 6. REGISTRATION.

(a) REQUIREMENTS.—Each boxer shall register with—
(1) the boxing commission of the State in which such boxer resides; or
(2) in the case of a boxer who is a resident of a foreign country, or a State in which there is no boxing commission, the boxing commission of any State that has such a commission.

(b) IDENTIFICATION CARD.—
(1) ISSUANCE.—Each boxing commission shall issue to each professional boxer who registers in accordance with subsection (a), an identification card that contains each of the following:
(A) A recent photograph of the boxer.
(B) The social security number of the boxer (or, in the case of a foreign boxer, any similar number in the case of the boxer or the foreign country in which the boxer resides).
(C) A personal identification number as signed to the boxer by a boxing registry.
(2) RENEWAL.—Each professional boxer shall renew his or her identification card at least once every 2 years.

(c) PRESENTATION.—Each professional boxer shall present his or her identification card to the appropriate boxing commission not later than the time of the weigh-in for a professional boxing match.

SEC. 7. REVIEW.

(a) PROCEDURES.—Each boxing commission shall establish each of the following procedures:

(1) Procedures to review a suspension where appealed by a boxer, including an opportunity for a boxer to present contradictory evidence.

(b) PROCEDURES TO REVOKE A SUSPENSION WHERE A BOXER—

(A) was suspended under subparagraph (A) or (B) of paragraph (2) of this subsection, and was furnished a sufficiently improved medical or physical condition; or

(B) furnishes proof under subparagraph (C) or (D) of paragraph (2) that a suspension was not, or is no longer, appropriate.

(c) SUSPENSION IN ANOTHER STATE.—A boxing commission may allow a boxer who is under suspension in any State to participate in a professional boxing match if—

(1) for any reason other than those listed in subsection (a) if such commission notifies in writing and consults with the designated official of the suspending State's boxing commission prior to the grant of approval for such individual to participate in that professional boxing match; or

(2) if the boxer appeals to the Association of Boxing Commissions, and the Association of Boxing Commissions determines that suspending such boxer was without sufficient cause, and that the suspension is not related to the health and safety of the boxer or the purposes of this Act.

SEC. 8. REPORTING.

Not later than 48 business hours after the conclusion of a professional boxing match, the supervising boxing commission shall report the results of such boxing match and any related suspensions to each boxer registry.

SEC. 9. CONFLICTS OF INTEREST.

No member or employee of a boxing commission, who administers or enforces State boxing laws, and no member of the Association of Boxing Commissions may belong to, contract with, or receive any compensation from persons who arrange, or promotes professional boxing matches or who otherwise has a financial interest in an active boxer currently registered with a boxer registry. For purposes of this section, the term “compensation” does not include funds held in escrow for payment to another person in connection with a professional boxing match.

SEC. 10. ENFORCEMENT.

(a) INJUNCTION.—Whenever the Attorney General of the United States has reasonable cause to believe that a person is engaged in violation of this Act, the Attorney General may bring a civil action in the appropriate district court of the United States requesting such relief, including a permanent or temporary injunction, restraining order, or other order, as the Attorney General determines to be necessary to restrain the person from continuing to engage in, sanction, promote, or otherwise participate in a professional boxing match in violation of this Act.

(b) CRIMINAL PENALTIES.—

(1) MANAGERS, PROMOTERS, MATCHMAKERS, AND LICENSEES.—Any manager, promoter, matchmaker, and licensee who knowingly violates, or coerces or causes any other person to violate, any provision of this Act shall be imprisoned for not more than 1 year or fined not more than $20,000, or both.

(2) CONFLICT OF INTEREST.—Any member or employee of a boxing commission, any person who administers or enforces State boxing laws, and any member of the Association of Boxing Commissions who knowingly violates section 9 of this Act shall, upon conviction, be imprisoned for not more than 1 year or fined not more than $20,000, or both.

(3) VIOLATIONS OF ANY PROVISION OF THIS ACT.—Any person who knowingly violates any provision of this Act shall, upon conviction, be fined not more than $1,000.

SEC. 11. NOTIFICATION OF SUPERVISING BOXING COMMISSION.

Each promoter who intends to hold a professional boxing match in a State that does not have a boxing commission shall, not later than 14 days before the intended date of that match, provide written notification to the supervising boxing commission designated under section 4. Such notification shall contain each of the following:

(1) Assurances that, with respect to that professional boxing match, all applicable requirements of this Act will be met.

(2) The name of any person who, at the time of the submission of the notification—
(A) is under suspension from a boxing commission; and
(B) will be involved in organizing or participating in the event.

(3) For any individual listed under paragraph (2), the identity of the boxing commission that issued the suspension described in paragraph (2)(A).

SEC. 12. STUDIES.

(a) PENSION.—The Secretary of Labor shall conduct a study on the feasibility and cost of a national pension system for boxers, including potential funding sources.

(b) HEALTH, SAFETY AND EQUIPMENT.—The Secretary of Health and Human Services shall conduct a study to develop recommendations for health, safety, and equipment standards for boxers and for professional boxing matches.

(c) REPORTS.—Not later than one year after the date of enactment of this Act, the Secretary of Labor shall submit a report to the Committee on the findings and the study conducted pursuant to subsection (b). Not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services shall submit a report to the Congress on the findings of the study conducted pursuant to subsection (b).

SEC. 13. PROFESSIONAL BOXING MATCHES CONDUCTED ON THE TERRITORY OF AN INDIAN TRIBE.

(a) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) INDIAN TRIBE.—The term “Indian tribe” has the same meaning as that of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450d(e)).

(2) RESERVATION.—The term “reservation” means the geographically defined area over which a tribal organization exercises governmental jurisdiction.

(3) TRIBAL ORGANIZATION.—The term “tribal organization” has the same meaning as in section 4(1) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450(d)(1)).

(b) REQUIREMENTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a tribal organization of an Indian tribe may, upon the initiative of the tribal organization—

(A) regulate professional boxing matches held within the reservation under the jurisdiction of that tribal organization; and

(B) carry out that regulation or enter into a contract with a boxing commission to carry out that regulation.

(2) STANDARDS AND LICENSES.—If a tribal organization regulates professional boxing matches pursuant to paragraph (1), the tribal organization shall, by tribal ordinance or resolution, establish and provide for the implementation of health, safety, licensing requirements, and other requirements relating to the conduct of professional boxing matches.
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September 25, 1996

boxier matches that are at least as restrictive as—

(A) the otherwise applicable standards and requirements of a State in which the reservation is located or

(B) the most recently published version of the recommended regulatory guidelines certified and published by the Association of Boxing Commissions.

SEC. 14. RELATIONSHIP WITH STATE LAW.

Nothing in this Act shall prohibit a State from adopting or enforcing supplemental or more stringent laws or regulations not inconsistent with this Act, or criminal, civil, or administrative fines for violations of such laws or regulations.

SEC. 15. EFFECTIVE DATE.

The provisions of this Act shall take effect on January 1, 1997, except as follows:

(1) Section 9 shall not apply to an otherwise authorized boxing commission in the Commonwealth of Virginia until July 1, 1997.

(2) Sections 5 through 9 shall take effect on July 1, 1997.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. OXLEY] and the gentleman from New York [Mr. MANTON] each will control 20 minutes.

Mr. OXLEY. Mr. Speaker, I yield myself such time as I may consume. [Mr. OXLEY asked and was given permission to revise and extend his remarks.]

Mr. BLILEY. Mr. Speaker, I rise in support of H.R. 4167, the Professional Boxing Safety Act.

This bill represents months of bipartisan, bicameral, and bicameral negotiations. Its primary purpose is to establish a State and privately run system for licensing professional boxers.

H.R. 4167 is identical to H.R. 1186, which was marked up by the Committee on Commerce on September 18, and reported to the full House on September 24, 1996. Since the provisions of the bills are identical, it is the intent of the Commerce Committee and the Committee on Economic and Educational Opportunities that the Committee on Commerce report on H.R. 1186 should serve as the legislative history governing the interpretation of H.R. 4167.

I include for the RECORD a memorandum of understanding between Chairman BLILEY and Chairman GOODLING on this point.

The memorandum referred to is as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 25, 1996.

Hon. NEWT GINGRICH,
Speaker, House of Representatives.
Washington, D.C.

Dear Mr. Speaker: We are writing regarding the jurisdiction and legislative history of H.R. 4167, the Professional Boxing Safety Act, which has been introduced today by Rep. Pat Williams, our friend and colleague, Rep. Williams introduced H.R. 4167, the Professional Boxing Safety Act, which is identical to the Commerce Committee report on H.R. 1186, and we have agreed to consider this bill in lieu of consideration of H.R. 1186.

We agree that the legislative history of H.R. 1186 should be deemed part of the legislative history of H.R. 4167, Professional Boxing Safety Act and that the jurisdiction of the two Committees should not be prejudiced by these events. Sincerely,

BILLY GOODLING,
Chairman, Committee on Economic and Educational Opportunities.

THOMAS J. BLILEY,
Chairman, Committee on Commerce.

Mr. Speaker, when people think of professional boxing they imagine the multi-million dollar fight with Mike Tyson or George Foreman or Tim Witherspoon in the corner. But the vast majority of professional matches are between two little known boxers, fighting for less than $100 per round, who are intentionally mismatched to provide the crowd with a spectacle of gore.

Unlike every other major American sport, there is no merit system in boxing for advancing to a title. Sanctioning bodies often promote their own fighters instead of promoting the sport. This bill would create a State-run commission licensing professional boxing commissions around the country.

Commissioner after commissioner has complained to us that State suspensions are flouted by boxers who hop from town to town fighting under different names, ignoring failed drug tests and medical injuries, ultimately leaving Federal health care and welfare programs to pick up the tab after their bodies have broken down.

So long as there are no uniform licensing procedures for reviewing, honoring, and appealing commission authorized suspensions, States will remain powerless to enforce their own health and safety regulations, with the taxpayers losing out as the result.

This bill requires that no professional boxing match be held without the approval of a State authorized commission. The commission may be public or private, and no State is required under this bill to establish a commission. If a State chooses not to get involved in regulating boxing, then the promoter of a fight is allowed to contract with an authorized boxing commission of any other State to come in and supervise a fight. This bill is not a cure-all for every problem that boxing faces. But it is a huge step in the right direction. It enacts strict conflict of interest provisions, establishes minimum protections for boxers, and empowers States to enforce their own suspensions.

I recognize that many of my colleagues believe that this compromise goes too far, while others feel it does not go far enough to involve the Federal Government in helping the States regulate professional boxing. But after decades of legislative neglect, professional boxing needs uniform State-supervision before it can clean up its act.

This is a good bill, a good compromise, and a much needed reform. Mr. Speaker, I reserve the balance of my time.

Mr. MANTON. Mr. Speaker, I ask unanimous consent that the gentleman from Montana [Mr. WILLIAMS] be permitted to control one-half of the time on this side.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York? There was no objection.

Mr. MANTON. Mr. Speaker, I yield myself such time as I may consume. (Mr. MANTON asked and was given permission to revise and extend his remarks.)

Mr. MANTON. Mr. Speaker, I am pleased to rise today in support of H.R. 4167. This is the same bill that was reported out of the Committee on Commerce last Wednesday, and it is a product of bipartisan cooperation among members of both the Committee on Commerce and the Committee on Economic and Educational Opportunities.

I would like to commend my colleagues, the gentleman from Virginia [Mr. BLILEY], the gentleman from Ohio [Mr. OXLEY], the gentleman from Pennsylvania [Mr. GOODLING], the chairman, the gentleman from Montana [Mr. WILLIAMS], and the gentleman from Michigan [Mr. DINGELL], for their hard work in moving this bill forward.

In addition, negotiations on the bill have included Senators MCCAIN and BRYAN, who demonstrated a significant commitment to gaining consensus on the bill, enabling us to bring this legislation to the House floor today. By passing H.R. 4167, the House will take a positive step forward toward correcting some of the most negative aspects associated with the boxing industry.

Mr. Speaker, Members in the House have long considered legislation to improve the sport of boxing. Early hearings and discussions of problems in the industry date back to the 1960's and since that time, various proposals have been promoted in an effort to address some of the more persistent and destructive problems with the sport.
Mr. WILLIAMS. Mr. Speaker, I thank my friend, the gentleman from Ohio, chairman of the Subcommittee on Commerce, Trade, and Hazardous Materials of the Committee on Commerce, for his kindness in yielding time to me. If he should need more time, and I am controlling 10 minutes, I will yield it back to him, but for now I will use his time.

Mr. Speaker, I want to begin by thanking my Republican colleagues, the gentleman from Ohio [Mr. OXLEY], the gentleman from Virginia [Mr. BLIKEY], and over on the Committee on Economic and Educational Opportunities, the gentleman from Pennsylvania [Mr. GOODLING], and the gentleman from North Carolina [Mr. BALLENGER], for their kindness in bringing this bill forward and allowing me to be the prime sponsor of it.

Without their generosity, Mr. Speaker, it may have been that I would not have been able to gain this recognition, deserved or not, for 18 years of work on this issue.

Mr. Speaker, it was not 18 years but 35 years ago that the first proposal to reform the sport of boxing was introduced. It was done so by then Senator Estes Kefauver of Tennessee. That legislation was aimed at trying to prevent what Senator Kefauver then believed was mob control of the sport. His legislation would have set up a commission under the Department of Justice to investigate fights. That legislation was not passed, and since that time there have been many attempts to resurrect the issue and reform the "sweet science."

The issue lay dormant until early in the 1970's, when then Congressman Van Derling wanted to regulate television's influence on the sport under the Federal Communications Commission.

Later, former Congressman Ed Beard wanted to establish a Federal boxing commission. None of these efforts were successful.

Then I and some others came on the scene in 1979, and with the House Committee on Labor held several days of hearings on the safety of the sport and possible avenues of reform, and we approached it as a matter of protecting workers in their workplace. The workers are boxers. Their workplace is the ring.

Those hearings opened 18 years of discussion and more than a dozen bills aimed at the setting of minimum health and safety standards for boxing. Even though those efforts, until tonight, carried a terrible lack of support for two reasons.

One was the difficult job of reassuring the workers in the sport that minimum standards are indeed in the fight-er's best interest, and the second reason was in setting just the right balance between commissions and any Federal assistance.

The bill before us today is the product of all those years of congressional and public discussion and debate. Because of continual scandal and increasing fan disillusionment—and I am a fan—the sport has long ago, I think, been convinced that minimum health and safety standards are necessary if boxing is to prosper and fighters are to be protected.

This legislation before us tonight leaves the regulation of boxing with the State commissions, and it sets a basic code of conduct and minimum health and safety standards to assist the State committees in the protection of fighters in their workplace, the ring.

One of the most important provisions in this legislation is the establishment of a boxer passport system. This provision will essentially prevent a fighter who is knocked out in one State and then changes his name and fights under the false name in another State the next night, even though the boxer himself is physically at risk. A passport system will stop this practice.

I must say I think that potentially the weakest provision in the bill is the definition of how a State boxing commission should be organized. The legislation allows States to privatize their commissions. We must work toward the move toward privatized commissions is a mistake. However, I also believe that the conflict of interest provisions of the bill will mean that there will be little chance for boxing ranking organizations or promoters to capture control of these privatized commissions.

This legislation gives the States the chance to bring the sport of boxing under control, and I am certain that the existing State commissions are up to the task. The legislation is, in fact, simply an attempt by the Congress of the United States to provide for those athletes who labor in the ring the basic worker protections that the United States provides for all other workers in their workplace. I urge my colleagues to support it.

Finally, I again want to thank Chairman OXLEY and my colleagues and friends on the Republican side for their generosity in allowing H.R. 4167, the bill which I have sponsored along with Chairman OXLEY and Congressman MANTON, to come before us tonight.

Mr. Speaker, I am pleased to rise today in support of H.R. 4167. I have worked on this issue for 18 years and I want to thank my colleagues on the Economic Opportunities and Commerce Committees for their work and assistance on this legislation and I urge your support for my bill.

It was 35 years ago that the first proposal to reform the sport of boxing was introduced by then Senator Estes Kefauver. This legislation was aimed at the stopping of mob control of the sport and set up a commission under the Department of Justice to investigate any illegal fights. That legislation was not passed and since that time there has been many attempts to resurrect this issue and reform the "sweet science."

In the 1970's Congressman Van Derling wanted to regulate television's influence on the sport under the Federal Communication
Commission and Congressman Beard wanted to establish a Federal boxing commission under the Department of Labor. None of these efforts was successful and in 1979 our House Labor Committee held several days of hearings on the safety of the sport and possible avenues of reform. These hearings opened 18 years ago. The second reading of the bills was in setting the right balance between State commissions and any Federal assistance.

The bill before us today is the product of all those years of discussion and debate. Because of continual scandal and increasing fan disillusionment, the sport and its fans have long ago been convinced that minimum health and safety standards were absolutely necessary if the sport was to prosper and fighters be protected, and during those years the State boxing commissions have done their own standards and professional organizations. This legislation leaves the regulation of boxing with the State commissions, and it sets a basic code of conduct and minimum health and safety standards to assist those commissions in the protection of fighters in their workplace—the ring.

One of the most important provisions in this legislation is the establishment of the boxer passport system. This provision will essentially be required to meet certain standards, while the boxers are at risk. This legislation sets basic safety standards for any fight, and it also carries a provision that will have the appropriate Federal agencies conduct a study of what minimum health and safety provisions should include and also how the sport might provide a basic pension system. This study will be presented to the next Congress to consider strengthening the mandatory requirements of the bill.

The weakest provision in the bill is the definition of how a State boxing commission should be part of the legislative history of H.R. 4167 should be deemed to accompany H.R. 1186 and the legislative history which accompanies H.R. 1186 should be deemed to be part of the legislative history of H.R. 4167. The jurisdiction of the Committee on Economic and Educational Opportunities and the Commerce Committee should not be prejudiced by these events.

Let me start out by saying thank you to the many people that have worked on professional boxing legislation this year and in the past: Senator McCaIN; Senators ROTH of Delaware; Bryan of Nevada; DORIAN of North Dakota; PAT WILLIAMS; MAJOR OWENS; TOM MANTON; and Jim Florio.

I would especially like to thank Chairman BLILEY, MIKE OXLEY, and Ranking Member JOHN DINGELL for their work in shepherding this bill through a reluctant Commerce Committee. Finally, I would like to thank Gary Galemore of the Congressional Research Service who has crafted various boxing bill’s since 1977.

Since my initial election to the House in 1983, I have associated myself with Congressional efforts to enact meaningful reform that adequately addresses the serious problems that plague the professional boxing world. Although these efforts were initiated by Senator Estes Kefauver in the 1960s, Congress has been unable to enact meaningful reform. Numerous hearings and investigations have uncovered a world of improprieties that range from the influence of organized crime to atrocius health adn safety conditions for professional boxers.

Consider a sport that is heavily influenced by the likes of Don King, a convicted felon who could not testify before congressional committees because he was under a perennial FBI investigation.

The most notable discovery of these investigations is the existence of a haphazard patchwork of state rules governing the sport of boxing. This non-system of health and safety standards endangers the lives of thousands of young men who pursue boxing careers as a form of employment.
Consider a sport that will not allow Tommy Morrison to fight in New York because he has tested HIV positive, ye Morrison can go to another State that has no testing requirements and fight.

Boxing enthusiasts both in Congress and in the industry have agreed that legislation should require some form of Federal oversight to properly implement health and safety standards.

Let me make some points to my colleagues who argue that Congress has no role in the affairs of boxing. The provisions of the McCain-Oxley bill fit comfortably under the broad reach of the Commerce Clause. The interstate character of the industry has been recognized by the Supreme Court in its decision involving anti-trust regulation.

The Court held that “the promotion of professional championship boxing contests on a multistate basis, coupled with sale of rights to televised, broadcast, and film the contests for interstate transmission” constitutes interstate commerce.

Because I believe the McCain-Oxley bill is a good first step—particularly the inclusion of the Dingell amendment—I shall support it. However, I believe the bill comes up short in critical areas and I am convinced that without some degree of Federal oversight the unsavory elements of boxing will retain their influence with state boxing commissions and continue to work their will.

Simply, the bill does not address the main problem with boxing standards: lack of enforcement.

The bill’s reliance on U.S. Attorneys to enforce the health and safety provisions is an extraordinary leap of faith on the part of this Congress. I commend the bill’s authors for their efforts to include provisions designed to increase the interaction of state boxing officials and local law enforcement.

Without specific enforcement mechanisms designed to administer the legislation’s new standards, we are forced to rely on state boxing commissions to police the sport. If we have learned anything since Estes Kefauver first began investigating boxing, it is that state boxing commissions— with several notable exceptions—lack the motivation or capability, unwillling, or deliberately choosing not to enforce their own rules.

While I recognize the political constraints of enacting boxing legislation, I still feel that we will not be able to provide some legitimizing entity that allows honorable boxing interests to take the reins and lead the boxing industry to eventual self-regulation. We need to motivate the industry to clean up its own house.

I have maintained all along that this is the bill that Don King supports because it will put to rest the annual congressional review of the boxing industry. But I have retained assurances from Senator McCain that Congress will not abandon this issue. We intend to monitor the effectiveness of this bill and if necessary will craft further legislation to right the wrongs that plague the boxing industry.

I have received assurances that my concerns will receive scrutiny either from a General Accounting Office (GAO) study, a President Commission on boxing, or both.

I encourage my colleagues to join me in issuing a challenge to the State Boxing Commissioners: Clean up the sport, or Congress will.

Mr. Speaker, I am supporting the McCain-Oxley legislation because it makes headway in two important areas.

First, this bill takes the important step of creating minimal Federal health and safety standards. This will send an important signal to the boxing industry that certain standards have to be met in order to conduct a match. Most importantly, this will set precedent in getting Congress involved in an area that has for too long been overlooked.

Second, the bill includes a provision crafted by Ranking Member Dingell that will prohibit the numerous conflicts of interest that permeate the relationship of regulators and those regulated. I sincerely believe that this provision will go a long way in cleaning up the less-than-reputable business relationships that have damaged the integrity of the sport.

I am strongly supporting because I love the sport of boxing. Let me again say that this is the best bill that Congress can enact. But you can be sure that—unless real reform becomes apparent to Congress—this is not the last round of this fight.

Mr. DINGELL, Mr. Speaker, the House Commerce Committee has a long history of investigating problems in professional boxing. Since 1965, the committee has held numerous hearings and considered a broad array of legislation in this area. Over the years, persistent allegations of serious improprieties have plagued professional boxing, including: First, inadequate health and safety protections for boxers; second, organized crime influence; third, boxer exploitation; fourth, fan deception, such as mismatches and fixed contests; fifth, blatant conflicts of interest between regulators and those who promote and arrange matches; sixth, market monopolization; seventh, the industry’s inability to police itself; and eighth, the inadequacy of existing regulation at the State and local levels. Despite a variety of efforts, no law has been enacted to date.

During the past few weeks, Representative MANTON and I have worked with Chairman BLUKEY and OXLEY, Representative WILLIAMS, Senators MCCAIN and BRYAN, and with others, to seek a consensus on this legislation. Last week, the Commerce Committee reported the same bill we are considering today by voice vote. I believe this compromise represents a positive step forward in trying to address some of the most egregious problems in the boxing industry.

In particular, I support the bill because it includes a provision that prohibits State boxing commissions from receiving compensation from the boxing organizations they are charged with regulating. This should help address conflicts of interest between State regulators and the industry. It will not clean up all problems in the industry.

But it is a positive leap. It will lend credibility to State regulatory activities and prohibit inexcusable relationships that too many State officials have developed with the boxing industry.

There are those who argue the bill does not go far enough and others who argue it goes too far. On balance, I believe the bill represents a sound bipartisan compromise that will strengthen State regulatory activities and promote improved health and safety standards.

I want to single out two Members for their contributions and leadership in this area. First, I commend our colleague, Mr. RICHARDSON. Over the years, he has authored several bills to improve regulation of the boxing industry. I understand his concerns that this bill does not go as far as he would prefer. Despite his misgivings, Mr. RICHARDSON has continued to be a constructive force in forging this bipartisan compromise. His efforts are greatly appreciated.

Second, I commend my good friend from Montana [Mr. WILLIAMS], the sponsor of this legislation. He has made many lasting contributions to the debate in this particular area. Unfortunately, he has announced his retirement at the end of this Congress. All of us will miss the leadership he has exhibited during his distinguished tenure in this body on this bill and, more importantly, on many other issues of national concern.

I urge all my colleagues to support this bipartisan legislation and yield back the time of my balance.

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

The SPEAKER pro tempore [Mr. BURTON of Indiana]. The question is on the motion offered by the gentleman from Ohio [Mr. OXLEY] that the House suspend the rules and pass the bill, H.R. 4167.

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.

CONFEREE REPORT ON S. 640, WATER RESOURCES DEVELOPMENT ACT OF 1996

Mr. BOEHLERT submitted the following conference report and statement of agreement on the Senate bill (S. 640) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes:

CONFERENCE REPORT (H. REPORT. 104-843)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 640), to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

TITLE I—WATER RESOURCES PROJECTS

Sec. 1. Short title; table of contents.

(a) Short Title.—This Act may be cited as the “Water Resources Development Act of 1996”.

(b) Table of Contents.—

Sec. 1. Short title; table of contents.
Sec. 2. Definition.
Sec. 201. Cost sharing for dredged material disposal areas.
Sec. 203. Cost sharing for feasibility studies.
Sec. 204. Restoration of environmental quality.
Sec. 205. Environmental dredging.
Sec. 206. Aquatic ecosystem restoration.
Sec. 207. Beneficial uses of dredged material.
Sec. 208. Recreation policy and user fees.
Sec. 209. Recovery of costs.
Sec. 211. Construction of flood control projects by non-Federal interests.
Sec. 212. Engineering and environmental innovations of national significance.
Sec. 213. Lease authority.
Sec. 214. Collaborative research and development.
Sec. 215. National dam safety program.
Sec. 216. Hydroelectric power project uprating.
Sec. 217. Dredged material disposal facility partnerships.
Sec. 218. Obstruction removal requirement.
Sec. 219. Small project authorizations.
Sec. 220. Uneconomical cost-sharing requirements.
Sec. 221. Planning assistance to States.
Sec. 222. Corps of Engineers expenses.
Sec. 223. State and Federal agency review period.
Sec. 224. Section 215 reimbursement limitation per project.
Sec. 225. Malaria.
Sec. 226. Sediments decontamination technology.
Sec. 227. Shore protection.
Sec. 228. Conditions for project authorizations.
Sec. 229. Support of Army civil works program.
Sec. 230. Benefits to navigation.
Sec. 231. Loss of life prevention.
Sec. 232. Hopper dredges.
Sec. 233. Termination of technical advisory committee.
Sec. 234. Interagency and international support authority.
Sec. 235. Sense of Congress; requirement regarding navigation.
Sec. 236. Technical corrections.
Sec. 237. Hopper dredges.

TITLE II—GENERAL PROVISIONS

Sec. 301. Project modifications.
Sec. 302. Mobile Harbor, Alabama.
Sec. 303. Nageles Wash and Tributaries, Arizona.
Sec. 304. White River Basin, Arkansas and Missouri.
Sec. 305. Channel Islands Harbor, California.
Sec. 306. Lake Elsinore, California.
Sec. 307. Los Angeles and Long Beach Harbors, San Pedro Bay, California.
Sec. 308. Los Angeles County drainage area, California.
Sec. 309. Prado Dam, California.
Sec. 310. Quincy Dam, California.
Sec. 311. Seven Oaks Dam, California.
Sec. 312. Thames River, Connecticut.
Sec. 313. Canaveral Harbor, Florida.
Sec. 314. Cape Canaveral, Florida.
Sec. 315. Central and Southern Florida, Canal 51.
Sec. 316. Central and Southern Florida, Canal 51.
Sec. 317. Jacksonville Harbor (Mill Cove), Florida.
Sec. 318. Panama City Beaches, Florida.
Sec. 319. Chicago, Illinois.
Sec. 322. Lock and Dam 26, Alton, Illinois and Missouri.
Sec. 323. White River, Indiana.
Sec. 324. Baptiste Collette Bayou, Louisiana.
Sec. 325. Lake Pontchartrain, Louisiana.
Sec. 326. Mississippi River-Gulf Outlet, Louisiana.
Sec. 327. Tolchester Channel, Maryland.
Sec. 329. Saginaw River, Michigan.
Sec. 331. St. Johns Bayou and New Madrid Floodway, Missouri.
Sec. 332. Lackawanna Creek, Columbiana, Nebraska.
Sec. 333. Passaic River, New Jersey.
Sec. 334. Acequias irrigation system, New Mexico.
Sec. 335. John hopit, New York.
Sec. 336. Buford Trenton Irrigation District, North Dakota.
Sec. 337. Reno Beach-Howard's Farm, Ohio.
Sec. 339. Wister Lake project, Leflore County, Oklahoma.
Sec. 340. Bonneville Lock and Dam, Columbia River, Oregon and Washington.
Sec. 341. Columbia River dredging, Oregon and Washington.
Sec. 342. Lackawanna River at Scranton, Pennsylvania.
Sec. 343. Musser's Dam, Middle Creek, Snyder County, Pennsylvania.
Sec. 344. Schuylkill River small and medium Pennsylvania.
Sec. 345. South Central Pennsylvania.
Sec. 346. Wyoming Valley, Pennsylvania.
Sec. 347. Allendale Dam, North Providence, Rhode Island.
Sec. 348. Narragansett, Rhode Island.
Sec. 349. Clouter Creek disposal area, Charleston, South Carolina.
Sec. 350. Buffalo Bayou, Texas.
Sec. 351. Dallas floodway extension, Dallas, Texas.
Sec. 352. Grundy, Virginia.
Sec. 353. Hay's Lake, Virginia.
Sec. 354. Rudee Inlet, Virginia Beach, Virginia.
Sec. 355. Virginia Beach, Virginia.
Sec. 357. Bluestone Lake, West Virginia.
Sec. 358. Moorefield, West Virginia.
Sec. 359. Southern West Virginia.
Sec. 360. West Virginia Trailhead facilities.
Sec. 361. Kickapoo River, Wisconsin.
Sec. 362. Teton County, Wyoming.
Sec. 363. Project reauthorizations.
Sec. 364. Project deauthorizations.
Sec. 365. Teton County, Pennsylvania.
Sec. 366. Monongahela River, Pennsylvania.

TITLE III—PROJECT-RELATED PROVISIONS

Sec. 401. Corps capability study, Alaska.
Sec. 402. Red River, Arkansas.
Sec. 403. McCormick Mountain, Arizona.
Sec. 404. Nageles Wash and tributaries, Arizona.
Sec. 405. Garden Grove, California.
Sec. 406. Mugu Lagoon, California.
Sec. 407. Murrieta Creek, Riverside County, California.
Sec. 408. Pine Flat Dam fish and wildlife habitat restoration, California.
Sec. 409. Santa Ynez, California.
Sec. 410. Southern California infrastructure.
Sec. 411. Stockton, California.
Sec. 412. Yalaha Project, Sacramento-san Joaquin Delta, California.
Sec. 413. West Dade, Florida.
Sec. 414. Savannah River Basin comprehensive resources study.
Sec. 416. Quincy, Illinois.
Sec. 418. Blytheville, Arkansas, watersheds, Valparaiso City, Porter County, Indiana.
Sec. 419. Grand Calumet River, Hammond, Indiana.
Sec. 420. Indiana Harbor Canal, East Chicago, Lake County, Indiana.
Sec. 421. Kootz Lake, Indiana.
Sec. 422. Little Calumet River, Indiana.
Sec. 423. Tippecanoe River watershed, Indiana.
Sec. 424. Calcasieu River, Hackberry, Louisiana.
Sec. 425. Morganza, Louisiana, to Gulf of Mexico.
Sec. 426. Huron River, Michigan.
Sec. 427. City of North Las Vegas, Clark County, Nevada.
Sec. 428. Lower Las Vegas Wash wetlands, Clark County, Nevada.
Sec. 429. Northern Nevada.
Sec. 430. Saco River, New Hampshire.
Sec. 431. Buffalo River greenway, New York.
Sec. 432. Coeymans, New York.
Sec. 433. New York Bight and Harbor study.
Sec. 434. Port of Newburgh, New York.
Sec. 435. Port of New York-New Jersey navigation study.
Sec. 436. Shinnecock Inlet, New York.
Sec. 437. Chagrin River, Ohio.
Sec. 438. Cuyahoga River, Ohio.
Sec. 439. Columbus Slough, Oregon.
Sec. 440. Channe improvement, salmon survival.
Sec. 441. Oahe Dam to Lake Sharpe, South Dakota.
Sec. 442. Mustig Island, Corpus Christi, and Padre Island, Texas.
Sec. 443. Prince William County, Virginia.
Sec. 444. Pacific Region.
Sec. 445. Financing of infrastructure needs of small and medium ports.
Sec. 446. Evaluation of beach material.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 501. Land conveyances.
Sec. 502. Namings.
Sec. 503. Watershed management, restoration, and development.
Sec. 504. Environmental infrastructure.
Sec. 505. Corps capability to conserve fish and wildlife.
Sec. 506. Periodic beach nourishment.
Sec. 507. Design and construction assistance.
Sec. 508. Lakes program.
Sec. 509. Maintenance of navigation channels.
Sec. 510. Chesapeake Bay environmental restoration and protection program.
Sec. 511. Research and development program to improve salmon survival.
Sec. 512. Columbia River Treaty fishing access.
Sec. 513. Great Lakes confined disposal facilities.
Sec. 514. Great Lakes dredged material testing and evaluation manual.
Sec. 515. Great Lakes remedial action plans and sediment remediation.
Sec. 516. Sediment management.
Sec. 517. Extension of jurisdiction of Mississippi River Commission.
Sec. 518. Sense of Congress regarding St. Lawrence Seaway tolls.
Sec. 519. Recreation partnership initiative.
Sec. 520. Field office headquarters facilities.
Sec. 521. Earthquake Preparedness Center.
Sec. 522. Jackson County, Alabama.
Sec. 524. Heber Springs, Arkansas.
Sec. 525. Morgan Point, Arkansas.
Sec. 526. Calaveras County, California.
Sec. 527. Faulkner Island, Connecticut.
Sec. 528. Everglades and South Florida ecosystem restoration.
Sec. 529. Tampa, Florida.
Sec. 530. Watershed management plan for Deep River Basin, Indiana.
Sec. 531. Southern and Eastern Kentucky.
Sec. 532. Coastal wetlands restoration projects, Louisiana.
Sec. 533. Southeast Louisiana.
Sec. 534. Assateague Island, Maryland and Virginia.
Sec. 535. Cumberland, Maryland.
Sec. 536. William Jennings Randolph Access Road, Garrett County, Maryland.
Sec. 537. Poplar Island, Maryland.
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CONGRESSIONAL RECORD — HOUSE
September 25, 1996

Sec. 581. West Virginia and Pennsylvania flood protection.

Sec. 578. Pierce County, Washington.

Sec. 577. Tangier Island, Virginia.

Sec. 575. Harris County, Texas.

Sec. 574. Tennessee River, Hamilton County, Tennessee.

Sec. 573. Murfreesboro, Tennessee.

Sec. 572. East Ridge, Tennessee.

Sec. 571. Quonset Point, Davisville, Rhode Island.

Sec. 570. Dredged material containment facility for Port of Providence, Rhode Island.

Sec. 569. Upper Susquehanna River basin, Pennsylvania and New York.

Sec. 568. Wills Creek, Pennsylvania.

Sec. 567. Blackstone River Valley, Rhode Island and Massachusetts.

Sec. 566. Southeastern Pennsylvania.

Sec. 565. Seven Points Visitors Center, Maystown Lake, Pennsylvania.


Sec. 563. Cumberland, Pennsylvania.

Sec. 562. Hidden Creek dam, Pennsylvania.

Sec. 561. Broad Top region of Pennsylvania.

Sec. 560. Grand Lake, Oklahoma.

Sec. 559. November Birthday, Ohio.

Sec. 558. Ohio River Greenway.

Sec. 557. Jamestown Dam and Pipestem Dam, North Dakota.

Sec. 556. Oregon City, Oregon.

Sec. 555. Dredged material containment facility for Port of New York-New Jersey.

Sec. 554. Orchard Beach, Bronx, New York.

Sec. 553. New York State Canal System.

Sec. 552. Conesus Aqueduct, New York.

Sec. 551. Coldwater River Watershed, Michigan.

Sec. 550. Restoration projects for Maryland, in accordance with the plans, and subject to the conditions, described in the respective reports designated in this subsection:

(1) American River Watershed, California.

(A) In general.—The project for flood damage reduction, American and Sacramento Rivers, California: Report of the Chief of Engineers, dated June 21, 1994, at a total cost of $47,286,000, with an estimated Federal cost of $4,267,000 and an estimated non-Federal cost of $42,019,000, consisting of:

(i) approximately 24 miles of slurry wall in the levees along the lower American River;

(ii) approximately 12 miles of levee modifications along the west bank of the Sacramento River downstream from the Natoma Cross Canal;

(iii) 3 telemeter streamflow gauges upstream from the Folsom Reservoir; and

(iv) modifications to the flood warning system along the lower American River.

(B) Credit toward non-Federal share.—The non-Federal share shall receive credit toward the Federal cost of the project for expenses that the non-Federal interest incurs for design or construction of any of the features described in this paragraph, subject to the rate at which Federal funds are made available for construction of the project. The amount of the credit shall be determined by the Secretary.

(C) INTERIM OPERATION.—In the event the project is constructed as a comprehensive flood damage reduction plan for the American River watershed has been implemented, the Secretary of the Interior shall continue to estimate the Federal cost and reserve the variable 400,000/670,000 acre-feet of flood control storage capacity and shall extend the agreement between the Bureau of Reclamation and the Sacramento Area Flood Control Agency with respect to the watershed.

(D) OTHER COSTS.—The non-Federal share shall be responsible for—

(i) all operation, maintenance, repair, replacement, and rehabilitation costs associated with the improvements carried out under this paragraph;

(ii) 25 percent of the costs incurred for the variable flood control operation of the Folsom Dam and Reservoir during the 4-year period beginning on the date of the enactment of this Act and 100 percent of such costs thereafter.

(2) Humboldt Harbor and Bay, California.—The project for navigation, Humboldt Harbor and Bay, California: Report of the Chief of Engineers, dated October 30, 1995, at a total cost of $15,180,000, with an estimated Federal cost of $10,000,000 and an estimated non-Federal cost of $5,180,000.

(3) Marin County Shoreline, San Rafael, California.—The project for hurricane and storm damage reduction, Marin County Shoreline, San Rafael, California: Report of the Chief of Engineers, dated January 28, 1994, at a total cost of $26,300,000, with an estimated Federal cost of $18,400,000 and an estimated non-Federal cost of $9,900,000.

(4) Port of Long Beach (Deepening), California.—The project for navigation, Port of Long Beach (Deepening), California: Report of the Chief of Engineers, dated July 26, 1996, at a total cost of $37,288,000, with an estimated Federal cost of $14,318,000 and an estimated non-Federal cost of $22,970,000.

(5) San Lorenzo River, California.—The project for flood control, San Lorenzo River, California: Report of the Chief of Engineers, dated July 5, 1994, at a total cost of $21,800,000, with an estimated Federal cost of $10,900,000 and an estimated non-Federal cost of $10,900,000 and habitat restoration, at a total cost of $4,050,000, with an estimated Federal cost of $2,025,000 and an estimated non-Federal cost of $2,025,000.

(6) Santa Barbara, California.—The project for navigation, Santa Barbara Harbor, California: Report of the Chief of Engineers, dated April 26, 1994, at a total cost of $5,840,000, with an estimated Federal cost of $4,670,000 and an estimated non-Federal cost of $1,170,000.

(7) Santa Monica Breakwater, California.—The project for hurricane and storm damage reduction, Santa Monica Breakwater, Santa Monica, California: Report of the Chief of Engineers, dated June 7, 1994, at a total cost of $4,440,000, with an estimated Federal cost of $4,220,000 and an estimated non-Federal cost of $2,220,000.

(8) Anacostia River and Tributaries, District of Columbia and Maryland.—The project for environmental restoration, Anacostia River and Tributaries, District of Columbia and Maryland: Report of the Chief of Engineers, dated November 15, 1994, at a total cost of $17,144,000, with an estimated Federal cost of $12,858,000 and an estimated non-Federal cost of $4,286,000.


(10) Cedar Hammock (Wares Creek), Florida.—The project for flood control, Cedar Hammock (Wares Creek), Manatee County, Florida: Report of the Chief of Engineers, dated August 29, 1996, at a total cost of $13,846,000, with an estimated Federal cost of $8,723,000 and an estimated non-Federal cost of $3,461,000.

(11) Lower Savannah River Basin, Georgia and South Carolina.—The project for environmental restoration, Lower Savannah River Basin, Georgia and South Carolina: Report of the Chief of Engineers, dated July 30, 1996, at a total cost of $9,491,000, with an estimated Federal cost of $2,573,000 and an estimated non-Federal cost of $6,918,000.

(12) Lake Michigan, Illinois.—The project for storm damage reduction and shoreline erosion protection, Lake Michigan, Illinois, from Wilmette, Illinois, to the Illinois-Indiana State line: Report of the Chief of Engineers, dated April 14, 1994, at a total cost of $204,000,000, with an estimated Federal cost of $110,000,000 and an estimated non-Federal cost of $94,000,000. The project shall include the breakwater and the South Water filtration Plant described in the report as a component of the project, at a total cost of $11,470,000, with an estimated Federal cost of $7,460,000 and an estimated non-Federal cost of $3,910,000. The Secretary shall reimburse the non-Federal interest for the Federal share of any costs incurred by the non-Federal interest.

(13) In reconstructing the revetment structures protecting Solidarity Drive in Chicago, Illinois, if such work is determined by the Secretary to be a component of the project; and

(14) in constructing to provide water intake near the South Water filtration Plant in Chicago, Illinois, to the Illinois-Indiana State line: Report of the Chief of Engineers, dated June 28, 1994, at a total cost of $16,080,000, with an estimated Federal cost of $10,993,000 and an estimated non-Federal cost of $5,087,000.
Creek Dam and Lake Cumberland, Kentucky: Report of the Chief of Engineers, dated June 28, 1994, at a total cost of $53,763,000, with an estimated non-Federal cost of $53,763,000. Funds derived from the U.S. Authority's power program and funds derived from any private or public entity designated by the Southwestern Power Administration may be used to pay all or part of the cost of said project.

(16) PORT FOURCHON, LAFOURCHE PARISH, LOUISIANA.—The project for navigation, Bayou Pass and Bayou Lafourche, Louisiana: Report of the Chief of Engineers, dated June 30, 1994, at a total cost of $4,440,000, with an estimated Federal cost of $2,300,000 and an estimated non-Federal cost of $2,140,000.

(17) WEST BANK OF THE MISSISSIPPI RIVER, NEW ORLEANS (EAST OF HARVEY CANAL), LOUISIANA.—The project for hurricane damage reduction, West Bank of the Mississippi River in the vicinity of New Orleans (East of Harvey Canal), Louisiana: Report of the Chief of Engineers, dated May 1, 1994, at a total cost of $126,000,000, with an estimated Federal cost of $82,200,000 and an estimated non-Federal cost of $43,800,000.

(18) BLUE RIVER BASIN, KANSAS CITY, MISSOURI.—The project for flood control, Blue River Basin, Kansas City, Missouri: Report of the Chief of Engineers, dated September 5, 1994, at a total cost of $57,082,000, with an estimated Federal cost of $29,319,000 and an estimated non-Federal cost of $5,039,000.

(19) WOOD RIVER, GRAND ISLAND, NEBRASKA.—The project for flood control, Wood River, Grand Island: Report of the Chief of Engineers, dated May 3, 1994, at a total cost of $11,800,000, with an estimated Federal cost of $6,040,000 and an estimated non-Federal cost of $5,760,000.

(20) LAS CRUCES, NEW MEXICO.—The project for flood control, Las Cruces, New Mexico: Report of the Chief of Engineers, dated June 24, 1994, at a total cost of $8,278,000, with an estimated Federal cost of $5,494,000 and an estimated non-Federal cost of $2,784,000.

(21) ATLANTIC COAST OF LONG ISLAND, NEW YORK.—The project for storm damage reduction, Atlantic Coast of Long Island from Jones Inlet to East Rockaway Inlet, Long Beach Island, New York: Report of the Chief of Engineers, dated April 5, 1994, at a total cost of $72,091,000, with an estimated Federal cost of $46,859,000 and an estimated non-Federal cost of $25,232,000.

(22) CAPE FEAR—NORTHEAST (CAPE FEAR) RIVERS, NORTH CAROLINA.—The project for navigation, Cape Fear—Northeast (Cape Fear) Rivers, North Carolina: Report of the Chief of Engineers, dated September 9, 1994, at a total cost of $2,373,000, with an estimated Federal cost of $1,322,936,000 and an estimated non-Federal cost of $897,900,000.

(23) WILMINGTON HARBOR, CAPE FEAR RIVER, NORTH CAROLINA.—The project for navigation, Wilmington Harbor, Cape Fear and Northeast Cape Fear Rivers, North Carolina: Report of the Chief of Engineers, dated June 24, 1994, at a total cost of $23,953,000, with an estimated Federal cost of $12,572,000 and an estimated non-Federal cost of $11,381,000.

(24) DUCK CREEK, CINCINNATI, OHIO.—The project for flood control, Duck Creek, Cincinnati, Ohio: Report of the Chief of Engineers, dated June 28, 1994, at a total cost of $15,947,000, with an estimated Federal cost of $11,960,000 and an estimated non-Federal cost of $3,987,000.

(25) WILLAMETTE RIVER TEMPERATURE CONTROL, MCKENZIE SUB BASIN, OREGON.—The project for environmental restoration, Willamette River Temperature Control, McKenzie Subbasin, Oregon: Report of the Chief of Engineers, dated February 1, 1994, at a total Federal cost of $38,000,000.

(26) RIO GRANDE DE ARECIBO, PUERTO RICO.—The project for flood control, Rio Grande de Arecibo, Puerto Rico: Report of the Chief of Engineers, dated April 5, 1994, at a total cost of $19,951,000, with an estimated Federal cost of $10,557,000 and an estimated non-Federal cost of $9,394,000.

(27) CHARLESTON HARBOR, SOUTH CAROLINA.—The project for hurricane damage reduction, Charleston Harbor: Report of the Chief of Engineers, dated July 18, 1996, at a total cost of $16,639,000, with an estimated Federal cost of $8,460,000 and an estimated non-Federal cost of $44,699,000.

(28) BIG SIoux RIVER AND SKUNK CREEK, SIOUX FALLS, SOUTH DAKOTA.—The project for flood control, Big Sioux River and Skunk Creek, Sioux Falls, South Dakota: Report of the Chief of Engineers, dated June 30, 1994, at a total cost of $34,600,000, with an estimated Federal cost of $25,900,000 and an estimated non-Federal cost of $8,700,000.

(29) GULF INTRACOASTAL WATERWAY, ARANSA S NATIONAL WILDLIFE REFUGE, TEXAS.—The project for navigation and environmental preservation, Gulf Intracoastal Waterway, Aransas National Wildlife Refuge, Texas: Report of the Chief of Engineers, dated September 25, 1996, at a total cost of $18,283,000, with an estimated Federal cost of $14,751,000.

(30) HOUSTON-GALVESTON NAVIGATION CHANNELS, TEXAS.—The project for navigation and environmental restoration, Houston-Galveston Navigation Channels, Texas: Report of the Chief of Engineers, dated May 9, 1996, at a total cost of $293,000,000, with an estimated Federal cost of $197,237,000 and an estimated non-Federal cost of $101,097,000, and an average annual cost of $786,000 for future environmental restoration over the 50-year life of the project. The estimated Federal cost of $590,000 and an estimated non-Federal cost of $196,000. The removal of pipelines and other obstructions that are not classified as structures will be accomplished at non-Federal expense. Non-Federal interests shall receive credit toward cash contributions required during construction and subsequent to completion and construction management work that is performed by non-Federal interests and that the Secretary determines is necessary to implement the project.

(31) MARMET LOCK, KANAWHA RIVER, WEST VIRGINIA.—The project for navigation, Marmet Lock, Kanawha River, West Virginia: Report of the Chief of Engineers, dated June 24, 1994, at a total cost of $229,581,000. The costs of construction of the project are to be paid 1/2 from amounts appropriated from the general fund of the Treasury and 1/2 from amounts appropriated from the Inland Waterways Trust Fund.

(b) PROJECTS SUBJECT TO REPORT.—The following projects for water resources development and management, which are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in a final report (or in the case of the project described in paragraph (10), a Detailed Project Report) of the Corps of Engineers, if the report is completed not later than December 31, 1996:

(1) CHIGNIK HARBOR, ALASKA.—The project for environmental restoration, Chignik, Alaska, at a total cost of $30,635,000, with an estimated Federal cost of $4,282,000 and an estimated non-Federal cost of $26,353,000.

(2) COOK INLET, ALASKA.—The project for navigation, Cook Inlet, Alaska, at a total cost of $5,700,000, with an estimated Federal cost of $3,700,000 and an estimated non-Federal cost of $2,000,000.

(3) ST. PAUL ISLAND HARBOR, ST. PAUL, ALASKA.—The project for navigation, St. Paul Harbor, St. Paul, Alaska, at a total cost of $18,981,000, with an estimated Federal cost of $12,239,000 and an estimated non-Federal cost of $6,742,000.

(4) NORCO BLUFFS, RIVERSIDE COUNTY, CALIF ORNIA.—The project for bluff stabilization, Norco Bluffs, Riverside County, California, at a total cost of $6,450,000 and an estimated Federal cost of $6,450,000 and an estimated non-Federal cost of $2,150,000.
(7) VERMILLION RIVER, DEMONADE PARK, LAFAYETTE, LOUISIANA.—Project for nonstructural flood control, Vermillion River, Demonade Park, Lafayette, Louisiana. In carrying out the study and the project (if any) under this paragraph, the Secretary shall use relevant information from the Lafayette Parish feasibility study and expedite completion of the study under this paragraph.

(8) VERMILLION RIVER, QUALI HOLLOW SUBDIVISION, LAFAYETTE, LOUISIANA.—Project for nonstructural flood control, Vermillion River, Quali Hollow Subdivision, Lafayette, Louisiana. In carrying out the study and the project (if any) under this paragraph, the Secretary shall use relevant information from the Lafayette Parish feasibility study and expedite completion of the study under this paragraph.

(9) KAWKAWLIN RIVER, BAY COUNTY, MICHIGAN.—Project for flood control, Kawkawlin River, Bay County, Michigan.

(10) WHITNEY DRAIN, ARENAC COUNTY, MICHIGAN.—Project for flood control, Whitney Drain, Arenac County, Michigan.

(11) FESTUS AND CRYSTAL CITY, MISSOURI.—Project for flood control, Festus and Crystal City, Missouri. In carrying out the study and the project (if any) under this paragraph, the Secretary shall use relevant information from the existing reconnaissance study and shall expedite completion of the study under this paragraph.

(12) KIMMSWICK, MISSOURI.—Project for flood control, Kimmswick, Missouri. In carrying out the study and the project (if any) under this paragraph, the Secretary shall use relevant information from the existing reconnaissance study and shall expedite completion of the study under this paragraph.

(13) RIVER DES PERES, ST. LOUIS COUNTY, MISSOURI.—Project for flood control, River Des Peres, St. Louis County, Missouri. In carrying out the study and the project (if any), the Secretary shall use relevant information from the existing reconnaissance study and shall expedite completion of the study under this paragraph.

(14) CAZENOVIA CREEK, CAZENOVIA, NEW YORK.—Project for flood control, Cazenovia Creek, Cazenovia, New York.

(15) CHEEKOTOWA, CAZENOVIA, NEW YORK.—Project for flood control, Cheektowa, Cazenovia, New York.

(16) SALOOG CREEK, WHITESBORO, NEW YORK.—Project for flood control, Saloog Creek, Whitesboro, New York.

(17) STEELE CREEK, VILLAGE OF ILION, NEW YORK.—Project for flood control, Steele Creek, village of Ilion, New York.

(18) WILLAMETTE RIVER, OREGON.—Project for nonstructural flood control, Willamette River, Oregon, including floodplain and ecosystem restoration.

SEC. 103. SMALL BANK STABILIZATION PROJECTS.

The Secretaries shall conduct a study for each of the following projects and, if the Secretary determines that the project is feasible, may carry out the project under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701): (1) JOSEPH RIVER, INDIANA.—Project for bank stabilization, St. Joseph River, South Bend, Indiana, including recreation and pedestrian facilities; and (2) ALLEGHENY RIVER AT OIL CITY, PENNSYLVANIA.—Project for bank stabilization to address erosion problems affecting the pipeline crossing the Allegheny River at Oil City, Pennsylvania, including measures to address erosion affecting the pipeline in the bed of the Allegheny River and its adjacent banks.

SEC. 104. SHORT SHORELINE PROTECTION PROJECTS.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that the project is feasible, may carry out the project under section 1135(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2306(a)): (1) PINES FLAT DAM, CALIFORNIA.—Project for fish and wildlife habitat restoration, Pine Flat Dam, Kings River, California, including construction of a turbine bypass.

(2) TRUCKEE RIVER, EL DORADO COUNTY, CALIFORNIA.—Project for environmental restoration, Upper Truckee River, El Dorado County, California, including measures for restoration of degraded wetlands and wildlife enhancement.

(3) WHITIER NARROWS DAM, CALIFORNIA.—Project for environmental restoration and remediation, Whittier Narrows Dam, California.

(4) LOWER AMAZON CREEK, OREGON.—Project for environmental restoration, Lower Amazon Creek, Oregon, consisting of fish and wildlife restoration measures relating to the flood reduction measures constructed by the Corps of Engineers and the related flood reduction measures conducted by the Natural Resources Conservation Service.

(5) ASHLEY CREEK, UTAH.—Project for fish and wildlife restoration, Ashley Creek near Vernal, Utah.

(6) UPPER JORDAN RIVER, SALT LAKE COUNTY, UTAH.—Project for channel restoration and environmental improvement, Upper Jordan River, Salt Lake County, Utah.

TITLE II—GENERAL PROVISIONS

SEC. 201. COST SHARING FOR DREDGED MATERIAL DISPOSAL AREAS.

(a) CONSTRUCTION.—Section 101(a) of the Water Resources Development Act of 1968 (33 U.S.C. 2211(a); 100 Stat. 4082-4083) is amended—

(1) in paragraph (2) by striking the last sentence and inserting the following: “The term `general navigation features' includes any navigatable land-based and aquatic dredged material disposal facilities'' before the period at the end of such paragraph; and

(2) by adding at the end the following: “(5) DREDGED MATERIAL DISPOSAL FACILITIES FOR PROJECT CONSTRUCTION.—In this subsection, the term 'general navigation features' includes any navigatable land-based and aquatic dredged material disposal facilities that are necessary for the disposal of dredged material required for project construction and for which a contract for construction has not been awarded on or before the date of the enactment of this Act and for which construction has not been awarded on or before the date of the enactment of this Act; and

(3) by adding at the end the following: “(6) OPERATION AND MAINTENANCE.—Section 101(b) of such Act (33 U.S.C. 2211(b); 100 Stat. 4083) is amended—

(1) by inserting “(1) in general.—” before “The Federal’’;

(2) by striking “before” the Federal’’ and moving and placing (1) as designated by paragraph (1) of this subsection) 2 ems to the right;

(3) by striking “pursuant to this Act” and inserting “pursuant to this Act or any other law” after the date of the enactment of this Act’’; and
(4) by adding at the end the following:

"(2) DREDGED MATERIAL DISPOSAL FACILITIES.ÐThe Federal share of the cost of constructing land-based and aquatic dredged material disposal facilities that are necessary for the disposal of dredged material required for the operation and maintenance of a project and for which a contract for construction has not been awarded by April 30 of the year in which such project is authorized under the criteria and procedures established pursuant to paragraph (2) of section 103 of the Water Resources Development Act of 1986 as in effect on the day before the date of the enactment of this Act and to any flood control project that is authorized to be constructed and maintained pursuant to section 103 of the Water Resources Development Act of 1986, and to any flood control project for which a non-Federal interest has not been awarded on or before that date.

SEC. 202. FLOOD CONTROL POLICY.

(a) Flood Control Cost Sharing.Ð

(1) Increased non-Federal contributions.Ð

(A) In general.ÐSubsections (a) and (b) of section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213(e)(1); 100 Stat. 4083) are amended by striking "25 percent" each place it appears and inserting "35 percent.

(B) Applicability of amendments made by subparagraph (A) shall apply to any project authorized after the date of the enactment of this Act to any flood control project that is authorized in any future Water Resources Development Act and for which a non-Federal Project Report is approved after such date of enactment or, in the case of a project for which no non-Federal Project Report is prepared, construction is initiated after such date of enactment.

(2) Physical construction defined.ÐSection 103(e)(1) of such Act (33 U.S.C. 2213(e)(1)) is amended by adding at the end the following:

"(B) FLOODPLAIN MANAGEMENT PLANS.ÐWithin 1 year after the date of signing a project cooperation agreement for construction of a project to which subsection (a) applies, the non-Federal interest shall prepare a floodplain management plan designed to reduce the impacts of future flood events in the project area.

"(C) Non-Federal share.ÐNotwithstanding a non-Federal interest not later than 1 year after completion of construction of the project.

(1) GUIDELINES.Ð

(A) In general.ÐWithin 6 months after the date of the enactment of this subsection, the Secretary shall develop guidelines for preparation of floodplain management plans by non-Federal interests.

(B) Technical support.ÐThe Secretary may provide technical support to a non-Federal interest for a project to which subsection (a) applies for the development of floodplain management plans prepared under subsection (b).

(2) APLIICABILITY.ÐThe amendment made by paragraph (1) shall apply to any project or separable element thereof with respect to which the Secretary and the non-Federal interest have not entered into a project cooperation agreement on or before the date of the enactment of this Act.

(3) NON-STRUCTURAL FLOOD CONTROL POLICY.Ð

(A) Review.ÐThe Secretary shall conduct a review of all policies, programs, and activities relating to the evaluation and development of flood control measures with a view toward identifying impediments that may exist to justifying nonstructural flood control measures as alternatives to structural measures.

(B) Report.ÐNot later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the findings of the review conducted under this subsection, together with any recommendations for modifying existing law to remove any impediments identified under such review.

(e) Emergency Response.ÐSection 5(a)(1) of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors of the United States for flood control purposes", approved August 18, 1941 (33 U.S.C. 703n(a)(1)), is amended by inserting before the
first semicolon the following: ‘‘, or in implementation of nonstructural alternatives to the repair or restoration of such flood control work if requested by the non-Federal sponsor.’’

 revert to manual describing the maintenance and upkeep responsibilities that the Corps of Engineers requires of a non-Federal interest in order to receive Federal assistance under this section. The Secretary shall provide a copy of the manual at no cost to each non-Federal interest that is eligible to receive Federal assistance under this section.

There is authorized to be appropriated $1,000,000 to carry out this subsection.

SEC. 203. COST SHARING FOR FEASIBILITY STUDIES.

(a) NON-FEDERAL SHARE.—Section 105(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(a)) is amended—

(1) by striking paragraph (1) and inserting the following:

``(1) Cost Sharing.—

(A) IN GENERAL.—The Secretary shall enter into an agreement pursuant to section 1135(a) of such Act of August 18, 1941 (33 U.S.C. 701n) to contribute 50 percent of the cost of the study.

(B) IN-KIND CONTRIBUTIONS.—Not more than $250,000 in Federal funds may be expended on any single program conducted under this section, the Secretary shall give priority to work that is necessary to carry out the program, and services necessary to prepare the feasibility report.

(C) PROJECT NOT TIMELY AUTHORIZED.—If the Secretary determines that construction of a project has not been authorized by contract, to contribute 50 percent of the cost of the study.

(D) AMENDMENT OF COST ESTIMATE.—The Secretary may undertake measures for restoration of environmental quality and measures for enhancement of environmental quality that are associated with the restoration, through modifications either at the project site or at other locations that have been affected by the construction or operation of the project, if such measures do not conflict with the authorized project purposes.

(E) PROGRAM OF PROJECTS.—If the Secretary determines that the construction or operation of the project is not consistent with the purposes of this Act, the Secretary may undertake measures for restoration of environmental quality and measures for enhancement of environmental quality that are associated with the restoration, through modifications either at the project site or at other locations that have been affected by the construction or operation of the project, if such measures do not conflict with the authorized project purposes.

(F) PRIORITIZATION.—In carrying out this subsection, the Secretary shall give priority to work in the following areas:

(1) Brooklyn Waterfront, New York.

(2) in paragraph (2) by striking ``(2) This sub-

(3) by striking subsection (f) and inserting the

(4) by adding at the end the following:

``(c) LEVEL OWNERS MANUAL.—

(1) A review of studies conducted using risk-based analysis—

(i) the scientific validity of applying risk-based analysis in these studies; and

(ii) the impact of using risk-based analysis as it relates to current policy and procedures of the Corps of Engineers.

(3) LIMITATION ON USE OF METHODOLOGY.—During the period beginning on the date of the enactment of this Act and ending 18 months after that date, if requested by a non-Federal interest, the Secretary shall refrain from using any risk-based technique required under the studies described in paragraph (1) for the evaluation and determination of the impact of any risk-based methodology.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $250,000 to carry out the studies described in paragraph (1) of this subsection.

SEC. 204. RESTORATION OF ENVIRONMENTAL QUALITY.

(a) REVIEW OF PROJECTS.—Section 1135(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2303(a)) is amended—

(1) by striking ''the operation of''; and

(2) by inserting before the period at the end of the sentence, ''The Secretary may undertake measures for restoration of environmental quality and measures for enhancement of environmental quality that are associated with the restoration, through modifications either at the project site or at other locations that have been affected by the construction or operation of the project, if such measures do not conflict with the authorized project purposes.''

(3) RESTORATION OF ENVIRONMENTAL QUALITY.—If the Secretary determines that the construction or operation of the project is not consistent with the purposes of this Act, the Secretary may undertake measures for restoration of environmental quality and measures for enhancement of environmental quality that are associated with the restoration, through modifications either at the project site or at other locations that have been affected by the construction or operation of the project, if such measures do not conflict with the authorized project purposes.

(b) PROGRAM OF PROJECTS.—Section 1135(b) of such Act is amended by striking the last 2 sentences.

(c) RESTORATION OF ENVIRONMENTAL QUALITY.—Section 1135 of such Act is amended—

(1) in each of subsections (a), (b), and (c) by inserting ''and remediate'' after ''remove'' each place it appears; and

(2) in subsection (b)—

(A) in paragraph (1) by inserting ''and remediate'' after ''removal'' each place it appears; and

(B) in paragraph (2) by striking ''$10,000,000'' and inserting ''$20,000,000''

(3) by striking subsection (f) and inserting the following:

``(f) PRIORITY WORK.—In carrying out this section, the Secretary shall give priority to work in the following areas:

(1) Brooklyn Waterfront, New York.''

September 25, 1996
SEC. 205. CONSTRUCTION OF FLOOD CONTROL PROJECTS BY NON-FEDERAL INTERESTS.

(a) General Authority. The Secretary may authorize flood control projects in any area, including construction and design, in accordance with subsections (b) and (c) of section 206 of the Flood Control Act of 1968 (42 U.S.C. 460d±3(b)).

(b) Construction. (1) A non-Federal interest may construct a flood control project in any area if the project is authorized by a plan of improvement approved by the Secretary, a State, or a local government, as appropriate.

(2) The Secretary may authorize and fund the construction of flood control projects by non-Federal interests if the Secretary determines that the project is consistent with the national flood insurance program and the Secretary finds that the project will not materially affect the flood risk.

(c) Reimbursement. The Secretary may reimburse any non-Federal interest for any flood control project constructed in any area, in accordance with subsection (d) of section 206 of the Flood Control Act of 1968 (42 U.S.C. 460d±3(d)).

SEC. 206. BENEFICIAL USES OF DREDGED MATERIALS.

(a) General Authority. The Secretary may authorize beneficial uses of dredged material in any area if the uses are consistent with the national flood insurance program and the Secretary determines that the uses will not materially affect the flood risk.

(b) Authorization. The Secretary may authorize beneficial uses of dredged material if the uses are consistent with the national flood insurance program and the Secretary determines that the uses will not materially affect the flood risk.

(c) Reimbursement. The Secretary may reimburse any non-Federal interest for any beneficial use of dredged material constructed in any area, in accordance with subsection (d) of section 206 of the Flood Control Act of 1968 (42 U.S.C. 460d±3(d)).

SEC. 207. BENEFICIAL USES OF DREDGED MATERIALS.

(a) General Authority. The Secretary may authorize beneficial uses of dredged material in any area if the uses are consistent with the national flood insurance program and the Secretary determines that the uses will not materially affect the flood risk.

(b) Authorization. The Secretary may authorize beneficial uses of dredged material if the uses are consistent with the national flood insurance program and the Secretary determines that the uses will not materially affect the flood risk.

(c) Reimbursement. The Secretary may reimburse any non-Federal interest for any beneficial use of dredged material constructed in any area, in accordance with subsection (d) of section 206 of the Flood Control Act of 1968 (42 U.S.C. 460d±3(d)).

SEC. 208. RECREATION POLICY.

(a) General Authority. The Secretary shall provide increased opportunities for recreation and other uses of the flood control projects constructed pursuant to this section.

(b) Authorization. The Secretary may authorize flood control projects in any area if the purposes described in this section are consistent with the national flood insurance program and the Secretary determines that the projects will not materially affect the flood risk.

(c) Reimbursement. The Secretary may reimburse any non-Federal interest for any flood control project constructed in any area, in accordance with subsection (d) of section 206 of the Flood Control Act of 1968 (42 U.S.C. 460d±3(d)).

SEC. 209. RECOVERY OF COSTS.

(a) General Authority. The Secretary may recover the costs of any flood control project constructed pursuant to this section.

(b) Authorization. The Secretary may authorize flood control projects in any area if the purposes described in this section are consistent with the national flood insurance program and the Secretary determines that the projects will not materially affect the flood risk.

(c) Reimbursement. The Secretary may reimburse any non-Federal interest for any flood control project constructed in any area, in accordance with subsection (d) of section 206 of the Flood Control Act of 1968 (42 U.S.C. 460d±3(d)).

SEC. 210. COSTS FOR ENVIRONMENTAL PROJECTS.

(a) General Authority. The Secretary shall provide increased opportunities for recreation and other uses of the flood control projects constructed pursuant to this section.

(b) Authorization. The Secretary may authorize flood control projects in any area if the purposes described in this section are consistent with the national flood insurance program and the Secretary determines that the projects will not materially affect the flood risk.

(c) Reimbursement. The Secretary may reimburse any non-Federal interest for any flood control project constructed in any area, in accordance with subsection (d) of section 206 of the Flood Control Act of 1968 (42 U.S.C. 460d±3(d)).

SEC. 211. CONSTRUCTION OF FLOOD CONTROL PROJECTS BY NON-FEDERAL INTERESTS.

(a) General Authority. The Secretary may authorize flood control projects in any area if the purposes described in this section are consistent with the national flood insurance program and the Secretary determines that the projects will not materially affect the flood risk.

(b) Authorization. The Secretary may authorize flood control projects in any area if the purposes described in this section are consistent with the national flood insurance program and the Secretary determines that the projects will not materially affect the flood risk.

(c) Reimbursement. The Secretary may reimburse any non-Federal interest for any flood control project constructed in any area, in accordance with subsection (d) of section 206 of the Flood Control Act of 1968 (42 U.S.C. 460d±3(d)).

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SEC. 214. CONSTRUCTION OF FLOOD CONTROL PROJECTS BY NON-FEDERAL INTERESTS.

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(b) Authorization. The Secretary may authorize flood control projects in any area if the purposes described in this section are consistent with the national flood insurance program and the Secretary determines that the projects will not materially affect the flood risk.

(c) Reimbursement. The Secretary may reimburse any non-Federal interest for any flood control project constructed in any area, in accordance with subsection (d) of section 206 of the Flood Control Act of 1968 (42 U.S.C. 460d±3(d)).
section by a non-Federal interest to ensure that such construction is in compliance with the plans approved by the Secretary and that the costs are reasonable.

(5) LIMITATION ON REIMBURSEMENTS.—The Secretary may not make any reimbursement under this section until the Secretary determines that the reimbursement requested has been performed in accordance with applicable permits and approved plans.

(f) SPECIFIC PROJECTS.—For the purpose of demonstrating the potential advantages and effectiveness of non-Federal implementation of flood control projects, the Secretary shall enter into agreements pursuant to this section with non-Federal interests to carry out the following flood control projects by such interests:

(1) BERRYESSA CREEK, CALIFORNIA.—The Secretary may accept and expend additional funds from other Federal agencies, States, or non-Federal entities for purposes of carrying out this section.

SEC. 213. LEASE AUTHORITY.

Notwithstanding any other provision of law, the Secretary may, without regard to any space available in buildings for which funding for construction or purchase was provided from the revolving fund established by section 12 of the Water Resources Development Act of 1984 (33 U.S.C. 2313) (102 Stat. 4022-4023) is amended—

(1) in subsection (a) by inserting "civil works' before 'mission'; and

(2) by striking subsection (e) and inserting the following:

"(f) FUNDING FROM OTHER FEDERAL SOURCES.—The Secretary may accept and expend additional funds from other Federal programs, including other Department of Defense programs, to carry out any project for which reimbursement is requested has been performed in accordance with applicable permits and approved plans.

(3) TO REDUCE THE RISKS TO LIFE AND PROPERTY FROM DAM FAILURE. The purpose of this section is to reduce the risks to life and property from dam failure in the United States and its territories.

(a) FUNDING.—The purpose of this section is to reduce the risks to life and property from dam failure in the United States and its territories.

(b) PRE-AGREEMENT TEMPORARY PROTECTION OF TECHNOLOGY.—Section 7 of such Act is amended—

(1) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively;

(2) by inserting after subsection (a) the following:

"(g) PRE-AGREEMENT TEMPORARY PROTECTION OF TECHNOLOGY.—

(1) IN GENERAL.—If the Secretary determines that information developed as a result of research and development activities conducted by the Corps of Engineers is likely to be subject to a cooperative research and development agreement that becomes the subject of a cooperative research and development agreement under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a), the Secretary may provide appropriate protection against the dissemination of such information, including exemption from subsection (c) of section 9 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(c)(7)(B)) as if such technology had been obtained from a non-Federal entity.

(2) BARRIERS.—The term 'barrier' means any artificial barrier that has the ability to impound water, wastewater, or any liquid-borne material, for the purpose of storage or control of water, that—

(i) is 25 feet or more in height from the natural bed of the stream channel or watercourse at the downstream toe of the barrier; or

(ii) if the barrier is not across a stream channel or watercourse, from the lowest elevation of the outside limit of the barrier to the maximum water storage elevation; or

(iii) has an impounding capacity for maximum storage elevation of 50 acre-feet or more.

(b) BARRIERS.—The term 'barrier' means any artificial barrier that has the ability to impound water, wastewater, or any liquid-borne material, for the purpose of storage or control of water, that—

(i) i is 6 feet or less in height regardless of storage capacity;

(ii) has a storage capacity at the maximum water storage elevation that is 15 acre-feet or less regardless of height;

unless the barrier, because of the location of the barrier or another physical characteristic of the barrier, is likely to cause a significant threat to human life or property if the barrier fails (as determined by the Director).

(c) DAM.—The term 'dam' means the Director of F.E.M.A. The term 'federal agency' means the Federal Emergency Management Agency.

(d) FEDERAL AGENCY.—The term 'federal agency' means any Federal agency or any State or local government agency that has the authority to design, construct, own, operate, maintain, or regulate any dam, or any part thereof, in which the Federal government has a substantial interest.

(e) FEDERAL EMERGENCY MANAGEMENT AGENCY.—The term 'FEMA' means the Federal Emergency Management Agency.

(f) HAZARD REDUCTION.—The term 'hazard reduction' means the reduction in the potential consequences to life and property of dam failure.

(g) ICODS.—The term 'ICODS' means the Interagency Committee on Dam Safety established by section 12 of the Federal Emergency Management Act of 1979 (42 U.S.C. 5101 et seq.).

(h) IN THIS ACT.—The term 'this Act' means the National Dam Safety Program Act of 1984 (Public Law 98-376).

(i) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other territory or possession of the United States.
and inserting the following:

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(6) in section 3 (as redesignated by paragraph (3) of this subsection) by striking ‘‘SEC. 3. As’’ and inserting the following:
(7) in section 5 (as redesignated by paragraph (3) of this subsection) by striking ‘‘SEC. 5. For’’ and inserting the following:
SEC. 5. DETERMINATION OF DANGER TO HUMAN LIFE AND PROPERTY.
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For:’’; and
(8) by inserting after section 5 (as redesignated by paragraph (3) of this subsection) the following:

SEC. 6. NATIONAL DAM INVENTORY.
The Secretary of the Army, acting through the Chief of Engineers, may maintain and periodically publish updated information on the inventory of dams in the United States.

SEC. 7. INTERAGENCY COMMITTEE ON DAM SAFETY.
(a) ESTABLISHMENT.—There is established an interagency committee on dam safety—
(1) comprised of a representative of each of the Department of Agriculture, the Department of Energy, the Department of the Interior, the Department of Labor, FEMAs, the Federal Energy Regulatory Commission, the Nuclear Regulatory Commission, the Tennessee Valley Authority, and the United States Section of the International Boundary Commission; and
(2) chaired by the Director.
(b) DUTIES.—ICODS shall encourage the establishment and maintenance of effective Federal and State programs, as well as coordination and information exchange among Federal agencies and State dam safety agencies, as follows:

(c) assistance for State dam safety programs described in subsection (f).
(f) DUTIES.—The Director shall—
(1) not later than 270 days after the date of the enactment of this paragraph, develop the implementation plan described in subsection (e);
(2) not later than 30 days after the date of the enactment of this paragraph, transmit the appropriate authorizing committees of Congress the implementation plan described in subsection (e); and
(3) by regulation, not later than 360 days after the date of the enactment of this paragraph—
(A) develop and implement the Program; establishing priorities, and target dates for implementation of the Program; and
(C) to the extent feasible, provide a method for cooperation and coordination with, and assistance to, interested governmental entities in all States.

oBJECTIVES.—The objectives of the Program shall—
(1) ensure that new and existing dams are safe through the development of technologically and economically feasible programs and procedures for national dam safety hazard reduction;
(2) encourage acceptable engineering policies and procedures to be used for dam site investigation, design, construction, operation and maintenance, and emergency preparedness;
(3) establish the implementation and effective implementation of Federal dam safety programs in each State based on State standards;
(4) develop and disseminate public awareness projects to increase public acceptance and support of State dam safety programs;
(5) develop technical assistance materials for Federal and non-Federal dam safety programs; and
(6) develop mechanisms by which to provide Federal technical assistance for dam safety to the non-Federal sector.

oN oBJECTIVES.—
(a) FEDERAL.—The Federal element shall incorporate the activities and practices carried out by Federal agencies under section 7 to implement the Federal Guidelines for Dam Safety.
(b) NON-FEDERAL.—The non-Federal element shall consist of—
(i) the activities and practices carried out by States, local governments, and the private sector to safely construct, regulate, operate, and maintain dams; and
(ii) Federal activities that foster State efforts to develop and implement effective programs for the safety of dams.

(3) FUNCTIONAL ACTIVITIES.—
(A) LEADERSHIP.—The leadership activity shall be the responsibility of FEMAs and shall be exercised by chairing ICODS to coordinate Federal efforts in cooperation with State dam safety officials.
(B) TECHNICAL ASSISTANCE.—The technical assistance activity shall consist of the transfer of knowledge and technical information among the Federal and non-Federal elements described in paragraph (2).
(C) PUBLIC AWARENESS.—The public awareness activity shall provide for the education of the public, including State and local officials, in the hazards of dam failure, methods of reducing the adverse consequences of dam failure, and related matters.

(4) IMPLEMENTATION PLAN.—The Director shall—
(1) develop an implementation plan for the Program that shall set, through fiscal year 2002, year-by-year targets that demonstrate improvements in dam safety programs; and
(2) adopt appropriate roles for Federal agencies and for State and local units of government, individuals, and private organizations in carrying out the implementation plan.

(5) ASSISTANCE FOR STATE DAM SAFETY PROGRAM.
(1) IN GENERAL.—To encourage the establishment and maintenance of effective State programs intended to ensure dam safety, to protect life and property, and to improve the quality of dam safety programs, the Director shall provide assistance with amounts made available under section 12 to assist States in establishing and maintaining dam safety programs.

(6) In accordance with the criteria specified in paragraph (2); and
(7) in accordance with more advanced requirements and standards established by the Board and the Director with the assistance of the Board and the Director with the assistance of the established criteria such as the Model State Dam Safety Program published by FEMAs in 1994, the Federal Guidelines for Dam Safety.

(2) CRITERIA AND BUDGETING REQUIREMENTS.—For States to be eligible for assistance under this subsection, the State dam safety program must be authorized by State legislation to include substantially, at a minimum—
(i) the authority to review and approve plans and specifications to construct, enlarge, modify, remove, and abandon dams;
(ii) the authority to perform periodic inspections during dam construction to ensure compliance with approved plans and specifications;
(iii) a requirement that, on completion of dam construction, State approval must be given before operation of the dam;
(iv) the authority to require or perform the inspection, at least once every 5 years, of all dams and reservoirs that would pose a significant threat to human life and property in case of failure to determine the continued safety of the dams and reservoirs; and
(v) a procedure for more detailed and frequent safety inspections;
(vi) a requirement that all inspections be performed under the supervision of a State-registered professional engineer with related experience in dam design and construction;
(vii) the authority to issue notices when appropriate, to require owners to perform necessary maintenance or remedial work, operate, or take other actions, including removing dams when necessary;
(viii) regulations for carrying out the legislation of the State described in this subparagraph;
(ix) provision for necessary funds—
(A) to ensure timely repairs or other changes to, or removal of, a dam in order to protect human life and property; and
(B) to the extent feasible, provide a method for cooperation and coordination with, and assistance to, interested governmental entities in all States.

(3) WORK PLANS.—The Director shall enter into a contract with each State receiving assistance under paragraph (2) to develop a work plan for the implementation plan.
plan necessary for the State dam safety program to reach a level of program performance specified in the contract.

(4) MAINTENANCE OF EFFORT.—Assistance may not be provided to a State under this subsection for a fiscal year unless the State enters into such an agreement with the Director as the Director requires to ensure that the State will maintain the aggregate expenditures of the United States and other sources for programs to ensure dam safety for the protection of human life and property at or above a level equal to the average annual level of such expenditures for the 2 fiscal years preceding the fiscal year.

(5) APPROVAL OF PROGRAMS.—(A) A State shall be eligible for assistance under this subsection, a plan for a State dam safety program shall be submitted to the Director for approval.

(B) APPROVAL.—A State dam safety program shall be deemed to be approved 120 days after the date of receipt by the Director unless the Director determines within the 120-day period that the State dam safety program fails to meet the requirements of paragraphs (1) through (3).

(C) NOTIFICATION OF DISAPPROVAL.—If the Director determines that a State dam safety program fails to meet the requirements for approval, the Director shall immediately notify the State in writing and provide the reasons for the determination and the changes that are necessary to meet those requirements to be approved.

(6) REVIEW OF STATE DAM SAFETY PROGRAMS.—Using the expertise of the Board, the Director shall periodically review State dam safety programs. If the Board finds that a State dam safety program has proven inadequate to reasonably protect human life and property and the Director concurs, the Director shall revoke approval of the State dam safety program and withhold assistance under this subsection, until the State dam safety program again meets the requirements for approval.

(7) BOARD.—(A) Establishment.—The Board shall consist of 11 members, to be nominated by the Director for expertise in dam safety, of whom—

(1) 1 member shall represent the Department of Agriculture;

(2) 1 member shall represent the Department of the Interior;

(3) 1 member shall represent the Department of Energy.

(B) Members of the Board may be appointees of any Federal agency.

(8) STAFF.—At the request of any State that has or intends to develop a State dam safety program, the Director shall provide training for State dam safety staff and inspectors.

(h) BOARD.—(1) EMBARKMENT.—The Director may establish an advisory board to be known as the 'National Dam Safety Review Board' to monitor State implementation of this section.

(2) AUTHORITY.—The Board may use the expertise of the Board to enter into contracts for necessary studies to carry out this section.

(i) MEMBERSHIP.—The Board shall consist of 11 members to be nominated by the Director for expertise in dam safety, of whom—

(A) 1 member shall represent the Department of Agriculture;

(B) 1 member shall represent the Department of the Interior;

(C) 1 member shall represent the Department of Energy.

(D) 1 member shall represent FEMA.

(E) 1 member shall represent the Federal Emergency Management Agency.

(F) 5 members shall be selected by the Director from among dam safety officials of States, and

(G) 1 member shall be selected by the Director to represent the United States Committee on Large Dams.

(4) COMPENSATION OF MEMBERS.—(A) FEDERAL EMPLOYEES.—Each member of the Board who is an officer or employee of the United States shall serve without compensation in addition to compensation received for the services of the member as an officer or employee of the United States.

(B) OTHER MEMBERS.—Each member of the Board who is not an officer or employee of the United States shall serve without compensation.

(5) TRAVEL EXPENSES.—Each member of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under section 571 of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of official duties in the Board.

(6) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board.

SEC. 9. RESEARCH.

(a) IN GENERAL.—The Director, in cooperation with ICOS, shall carry out a program of technical and archival research to develop—

(1) improved techniques, historical experience, and equipment for rapid and effective dam construction, rehabilitation, and inspection; and

(2) devices for the continued monitoring of the safety of dams.

(b) CONSULTATION.—The Director shall provide for State participation in research under subsection (a) and periodically advise all States and Congress of the results of the research.

SEC. 10. REPORTS.

(a) REPORT ON DAM INSURANCE.—Not later than 180 days after the date of enactment of this Act, the Director shall report to Congress on the availability of dam insurance and make recommendations concerning encouraging greater availability of coverage.

(b) BIENNIAL REPORTS.—Not later than 90 days after the end of each odd-numbered fiscal year, the Director shall submit a report to Congress that—

(i) describes the status of the Program;

(ii) describes the progress achieved by Federal agencies during fiscal years in implementing the Federal Guidelines for Dam Safety;

(iii) describes the progress achieved in dam safety by States participating in the Program; and

(iv) includes any recommendations for legislative and other action that the Director considers necessary.

SEC. 11. STATUTORY CONSTRUCTION.

"Nothing in this Act and no action or failure to act under this Act shall—"

(1) create any liability in the United States or its officers or employees for the recovery of damages caused by such action or failure to act; or

(2) relieve an owner or operator of a dam of the legal duties, obligations, or liabilities incident to the ownership or operation of the dam; or

(3) preempt any other Federal or State law.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

(a) NATIONAL DAM SAFETY PROGRAM.—(1) ANNUAL AMOUNTS.—There are authorized to be appropriated for activities pursuant to this Act—

(i) $700,000,000 for fiscal years 1998 through 2002.

(ii) $1,000,000,000 for each of fiscal years 2003 through 2007.

(2) ALLOCATION.—(A) IN GENERAL.—Subject to subparagraphs (B) and (C), for each fiscal year, amounts made available under this subsection shall be allocated among the States as follows:

(i) One-third among States that qualify for assistance under section 8(f).

(ii) Two-thirds among States that qualify for assistance under section 8(f), in proportion to—

(I) the number of dams in the State that are listed as State-regulated dams on the inventory of dams maintained under section 6; or

(ii) the number of dams in all States that are listed as State-regulated dams on the inventory of dams maintained under section 6.

(3) MAINTENANCE OF EFFORT.—The amount of funds allocated to a State under this paragraph may not exceed 50 percent of the reasonable cost of implementing the State dam safety program.

(b) DETERMINATION.—The Director and the Board shall determine the need of each State for assistance under this Act, and the amount of funds necessary to provide assistance to States needing primary assistance and States needing advanced assistance under section 8(f).

(c) NATIONAL DAM INVENTORY.—There is authorized to be appropriated for carry out section 6 $500,000,000 for each fiscal year.

(d) DAM SAFETY TRAINING.—There is authorized to be appropriated for carry out section 8(g) $500,000 for each of fiscal years 1998 through 2002.

(e) RESEARCH.—There is authorized to be appropriated for carry out section 8(j) $1,000,000 for each of fiscal years 1998 through 2002.

(f) LIMITATION ON USE OF AMOUNTS.—Amounts made available under this Act may not be used to construct or repair any Federal or non-Federal dam.

(g) CONFORMING AMENDMENT.—Section 3(c) of the Indian Dams Safety Act of 1994 (25 U.S.C. 380(2); 108 Stat. 1560) is amended by striking "the first section of Public Law 92-367 (33 U.S.C. 467)" and inserting "section 2 of the National Dam Safety Program".

SEC. 216. HYDROELECTRIC POWER PROJECT UPGRADING.

(a) IN GENERAL.—In carrying out the maintenance, rehabilitation, or modernization of a hydroelectric power generating facility at a water resources project under the jurisdiction of the Department of the Army, the Secretary shall take into account funds made available in appropriations Acts, such actions as are necessary to increase the efficiency of energy production, the capacity of the facility, or both, and, in consultation with appropriate Federal and State agencies, the Secretary determines that the increase—

(i) is economically justified and financially feasible;

(ii) will not result in any significant adverse effect on the purposes for which the project is authorized;

(iii) will not result in significant adverse environmental impacts;

(iv) will not involve major structural or operational changes in the facility;

(v) will not adversely affect the use, management, or protection of existing Federal, State, or tribal water rights;

(vi) will not affect the environment to a significant degree; and

(vii) will not be inconsistent with the policies and purposes of the Act.

(b) ALLOCATION.—Before proceeding with the proposed upgrading under subsection (a), the Secretary shall provide affected State, tribal, and Federal agencies with a copy of the proposed determination under subsection (a). If the agencies submit comments, the Secretary shall accept those comments or respond in writing to any objections those agencies raise to the proposed determination.

(c) EFFECT ON OTHER AUTHORITY.—This section shall not affect the authority of the Secretary and the Administrator of the Bonneville Power Administration under section 2406 of the Energy Policy Act of 1992 (16 U.S.C. 3891d-1; 106 Stat. 3099).

SEC. 217. DREDGED MATERIAL DISPOSAL FACILITY PARTNERSHIPS.

(a) ADDITIONAL CAPACITY.—(1) PROVIDED BY SECRETARY.—At the request of a non-Federal interest with respect to a project, the Secretary may provide additional capacity at a dredged material disposal facility constructed by the Secretary beyond the capacity that would be required for project purposes if the non-Federal interest agrees to pay, during the period of construction, all costs associated with the construction of the additional capacity.

(b) COST RECOVERY.—The non-Federal interest may recover the costs assigned to the non-Federal interest by the Presidential determination and may charge the non-Federal interest a rate for the use of the facilities assigned to the non-Federal interest pursuant to this Act.
to the additional capacity through fees assessed on third parties whose dredged material is disposed of at the facility and who enter into agreements with the non-Federal interest for the use of facilities. The amount of such fees may be determined by the non-Federal interest.

(b) NON-FEDERAL USE OF DISPOSAL FACILITIES.—

(1) IN GENERAL.—The Secretary—

(A) may permit the use of any dredged material disposal facility under the jurisdiction of, or managed by, the Secretary by a non-Federal interest if the Secretary determines that such use will not reduce the availability of the facility for projects proposed;

(B) may impose fees to recover capital, operation, and maintenance costs associated with such use.

(2) USE OF FEES.—Notwithstanding section 401(c) of the Federal Water Pollution Control Act (33 U.S.C. 1341(c)) but subject to advance appropriations, any monies received through collection of fees under this subsection shall be available to the Secretary, and shall be used by the Secretary, for the operation and maintenance of the disposal facility from which the fees were collected.

(c) PUBLIC-PRIVATE PARTNERSHIPS.—

(1) IN GENERAL.—The Secretary may carry out a project, and implement or maintain other options for public-private partnerships in the design, construction, management, or operation of dredged material disposal facilities in connection with the development and maintenance of Federal navigational projects. If a non-Federal interest is a sponsor of the project, the Secretary shall consult with the non-Federal interest in carrying out the program to respect the project.

(2) PRIVATE FINANCING.—

(A) AGREEMENTS.—In carrying out this subsection, the Secretary may enter into an agreement with a non-Federal interest with respect to a project, a private entity, or both for the acquisition, operation, management, or maintenance of a dredged material disposal facility (including any facility used to demonstrate potential beneficial uses of dredged material) using funds provided in whole or in part by the private entity.

(B) REIMBURSEMENT.—If any funds provided by a private entity are used to carry out a project under this subsection, the Secretary may reimburse the private entity over a period of time agreed to by the parties to the agreement through expedited removal procedures. Such fees may include the payment of a disposal or tipping fee for placement of suitable dredged material at the facility.

(C) AMOUNT OF FEES.—User fees paid pursuant to subparagraph (B) shall be sufficient to repay funds contributed by the private entity plus a reasonable return on investment approved by the Secretary in cooperation with the non-Federal interest with respect to the project and the private entity.

(d) FEDERAL SHARE.—The Federal share of such fees shall be 50 percent of the total cost that would otherwise be borne by the Federal Government as required pursuant to existing cost-sharing requirements, including section 103 of the Corps of Engineers Development Act of 1986 (33 U.S.C. 2213) and section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2214).

(E) BUDGET ACT COMPLIANCE.—Any spending authority (as defined in section 401(c)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 651(c)(2))) authorized by this section shall be effective only to such extent and in such amounts as are provided in appropriation Acts.

SEC. 216. OBSTRUCTION REMOVAL REQUIREMENTS.

(a) PENALTY.—Section 16 of the Act entitled “An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors for flood control, and other purposes”, approved March 3, 1899 (33 U.S.C. 411; 30 Stat. 1153), is amended—

(1) by striking “thirteen, fourteen, and fifteen” each place it appears and inserting “13, 14, 15, 19, and 20”;

(2) by striking not exceeding twenty-five hundred dollars for $19,000,000; five hundred dollars” and inserting “of up to $25,000 per day”;

(b) GENERAL AUTHORITY.—Section 20 of such Act (33 U.S.C. 415) is amended—

(1) in subsection (b), by striking “expense” the first place it appears and inserting “actual expense, including administrative expenses,”;

(2) in subsection (b), by striking “cost,” and inserting “actual cost, including administrative costs,”;

(3) by redesignating subsection (b) as subsection (c); and

(4) by inserting after subsection (a) the following:

“(b) REMOVAL REQUIREMENT.—Not later than 24 hours after the Secretary of the Department in which the Coast Guard is operating issues an order to stop or delay navigation in any navigable waters of the United States because of conditions related to the sinking or grounding of a vessel, the owner or operator of the vessel, with the approval of the Secretary of the Army, shall begin removal of the vessel using the most expeditious removal method available or, if inappropriate, secure the vessel pending removal to allow navigation to resume. If the owner or operator fails to begin removal or to secure the vessel pending removal to allow on an expedited basis, the Secretary of the Army may remove the vessel using the summary removal procedures under subsection (a).”

SEC. 219. SMALL PROJECT AUTHORIZATIONS.

Section 14 of the Act entitled “An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes”, approved July 24, 1946 (33 U.S.C. 701r), is amended—

(1) by striking “$12,500,000” and inserting “$15,000,000”;

(2) by striking “$500,000” and inserting “$1,000,000”.

SEC. 220. UNECONOMICAL COST-SHARING REQUIREMENTS.

Section 221(a) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5(a)) is amended by striking the period at the end of the 1st sentence and inserting the following:”;

“except that no such agreement may be entered into under this section if the Secretary determines that the administrative costs associated with negotiating, executing, or administering the agreement would exceed the amount of the contribution required from the non-Federal interest and are less than $25,000.”

SEC. 221. PLANNING ASSISTANCE TO STATES.

Section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d-16) is amended—

(1) in subsection (a) by inserting “, watersheds, or ecosystems” after “basins”;

(2) in subsection (b)–

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(3) in subsection (c)–

(A) by striking “$6,000,000” and inserting “$10,000,000”;

(B) by striking “$500,000” and inserting “$500,000”.

SEC. 222. CORPS OF ENGINEERS EXPENSES.

Section 211 of the Flood Control Act of 1950 (33 U.S.C. 701u; 64 Stat. 426) is amended—

(1) by striking “continental limits of the” and inserting “continental limits of the United States”;

(2) in subsection (c)–

(A) by striking paragraph (2); and

(B) by striking paragraph (3) and inserting the following:

“(3) in subsection (a) by inserting ``, waterways, States, localities, and private enterprises.’’

SEC. 224. SECTION 215 REIMBURSEMENT LIMITATION PER PROJECT.

(a) IN GENERAL.—The last sentence of section 215(a) of the Flood Control Act of 1968 (42 U.S.C. 1962d-5(a)(1)) is amended by striking “$3,500,000” and inserting “$5,000,000”; and

(b) by striking the final period.

(a) P ROJECT PURPOSE.—Section 405 of such Act (42 U.S.C. 1962d-5(a)(1)) is amended by adding at the end the following:

“(3) PROJECT PURPOSE.—The purpose of the project to be carried out under the section is to provide for the development of 1 or more sediment decontamination technologies on a pilot scale demonstrating a capacity of at least 5000 cubic yards per year.”

(b) AUTHORIZATION OF APPROPRIATIONS.—The 1st sentence of section 405(c) of such Act is amended to read as follows: “There is authorized to be appropriated to carry out this section $10,000,000.”

(c) REPORTS.—Section 405 of such Act is amended by adding at the end the following:

“(d) REPORTS.—Not later than September 30, 1998, and periodically thereafter, the Administrator and the Secretary shall transmit to Congress a report on the results of the project to be carried out, including an assessment of the progress made in achieving the purpose of the project set forth in subsection (a)(3).”

SEC. 227. SHORE PROTECTION.

(a) DECLARATION OF POLICY.—Subsection (a) of the 1st section of the Act entitled “An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property”, approved August 13, 1946 (33 U.S.C. 426e), is amended—

(1) by striking “damage to the shores” and inserting “damage to the shores and beaches”; and

(2) by striking “the following provisions” and all that follows through the end of subsection (c) and inserting the following: “This Act, to promote shore protection projects and related research that encourage the protection, restoration, and enhancement of sandy beaches, including beach restoration and periodic beach nourishment, on a comprehensive and coordinated basis by the Federal Government, States, localities, and private enterprises. In carrying out this policy, the Secretary shall be guided by the following principles:

‘‘(1) the project is primarily intended to combat erosion caused by natural processes;’’

‘‘(2) the project is designed to combat erosion caused by forces beyond the control of the Federal Government;’’

‘‘(3) any Federal investment in a project is consistent with the determination by the Secretary that the potential savings achievable by a non-Federal agency or project, or the accomplishment of another objective of the Federal Government, warrants Federal participation;’’

‘‘(4) the project is designed to accomplish a project-related purpose;’’

‘‘(5) the project provides the maximum amount of public benefit consistent with the Federal investment;’’

‘‘(6) the project is consistent with the determination by the Secretary that the project is a feasible alternative to Federal navigation projects or other Federal activities;’’

‘‘(b) AUTHORIZATION OF PROJECTS.—Subsection (e) of such section is amended—

(1) by striking ‘‘(e) No’’ and inserting the following:

‘‘(e) No’’;
(e) Authorization of Projects.—

(1) IN GENERAL.—No;

(2) by moving the remainder of the text of paragraph (1) (as designated by paragraph (1) of this subsection) such that it does not begin with (d) and add at the end the following:

(2) STUDIES.—

(A) IN GENERAL.—The Secretary shall:

(i) conduct studies concerning shore protection projects that meet the criteria established under this Act (including paragraph (B)(iii) and other applicable law);

(ii) report the results of the studies to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives;

(B) Recommendations for Shore Protection Projects.—

(i) IN GENERAL.—The Secretary shall recommend to Congress the authorization or reauthorization of shore protection projects based on the studies conducted under subparagraph (A).

(ii) Considerations.—In making recommendations, the Secretary shall consider the economic and ecological benefits of the shore protection project.

(C) Coordination of Projects.—In conducting studies and making recommendations for a shore protection project under this paragraph, the Secretary:

(i) determine whether there is any other project being carried out by the Secretary or the head of another Federal agency that may be complementary to the shore protection project;

(ii) if there is such a complementary project, describe the efforts that will be made to coordinate the projects.

(3) Shore Protection Projects.—

(A) IN GENERAL.—The Secretary shall construct, cause to be constructed, or acquire for construction any shore protection projects authorized by Congress, or separable element of such a project, for which funds have been appropriated by Congress.

(B) AGREEMENTS.—

(i) REQUIREMENT.—After authorization by Congress, and before commencement of construction, of a shore protection project, the Secretary shall enter into a written agreement with the non-Federal interest with respect to the project or separable element.

(ii) Terms.—The agreement shall—

(A) specify the life of the project; and

(B) ensure that the Federal Government and the non-Federal interest will cooperate in carrying out the project or separable element.

(4) Other Shoreline Protection Projects.—

(A) Section 26 of title II of the Water Resources Development Act of 1992 (33 U.S.C. 426f-1(e)(i)(A); Public Law 106-54, 106 Stat. 4829), is amended by inserting the semicolon following the following:

``(iv) enters into a written agreement with the non-Federal interest with respect to the project or separable element (including the terms of cooperation):''

(D) State and Regional Plans.—The Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946, is amended—

(1) by redesigning section 4 (33 U.S.C. 426h) as section 5; and

(2) by inserting after section 3 (33 U.S.C. 426g) the following:

"SEC. 4. State and Regional Plans."

"The Secretary may—

(1) cooperate with any State in the preparation of a comprehensive State or regional plan for the conservation of coastal resources located within the boundaries of the State; and

(2) encourage the development and demonstration program.

(e) National Shoreline Erosion Control Development and Demonstration Program and Definitions.—

(1) IN GENERAL.—The Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946, is amended—

(i) by redesignation of section 5 (33 U.S.C. 426h) as section 6; and

(ii) by inserting after section 3 (33 U.S.C. 426g) the following:

"SEC. 6. National Shoreline Erosion Control Development and Demonstration Program."

"(a) Establishment of Erosion Control Program.—The Secretary shall establish and conduct a national shoreline erosion control development and demonstration program for a period of 6 years beginning on the date that funds are made available to carry out this section.

(b) Requirements.—

(1) IN GENERAL.—The erosion control program shall include provisions for—

(A) projects consisting of planning, designing, and constructing prototype engineered and vegetative shoreline erosion control devices and methods during the first 3 years of the erosion control program;

(B) adequate monitoring of the prototypes throughout the duration of the erosion control program;

(C) detailed engineering and environmental reports on the results of each demonstration project carried out under the erosion control program; and

(D) technology transfers to private property owners and State and local entities.

(2) EMPhASIS.—The projects carried out under the erosion control program shall emphasize, to the extent practicable—

(A) the development and demonstration of innovative technologies;

(B) efforts to prevent erosion at a shoreline site, taking into account the life-cycle cost of the design, including cleanup, maintenance, and amortization;

(C) natural means, including the use of vegetation or temporary structures that minimize permanent structural alterations;

(D) the avoidance of negative impacts to adjacent shorefront communities;

(E) in areas with substantial residential or commercial interests adjacent to the shoreline, designs that do not impair the aesthetic appeal of the interests;

(F) the potential for long-term protection afforded by the technology; and

(G) recommendations developed from evaluations of the original 1974 program established under the Shoreline Erosion Control Demonstration Act of 1974 (42 U.S.C. 1626d-5 note; 88 Stat. 26), including—

(i) adequate consideration of the substrate;

(ii) proper filtration;

(iii) durable components;

(iv) adequate connection between units; and

(v) consideration of additional relevant information.

(3) Sites.—

(A) IN GENERAL.—Each project under the erosion control program shall be carried out at a privately owned site with public access, or a publicly owned site, on open coast or on tidal waters.

(B) SELECTION.—The Secretary shall develop criteria for the selection of sites for the projects, including—

(i) a variety of geographical and climatic conditions;

(ii) the size of the population that is dependent on the beaches for recreation, protection of homes, or commercial interests;

(iii) the rate of erosion;

(iv) significant natural resources or habitats and environmentally sensitive areas; and

(v) significant threatened historic structures or landmarks.

(C) AREAS.—Projects under the erosion control program shall be carried out at not fewer than—

(i) 2 sites on each of the shorelines of the Atlantic and Pacific coasts;

(ii) 2 sites on the shoreline of the Great Lakes; and

(iii) 1 site on the shoreline of the Gulf of Mexico.

(D) Determination of Feasibility.—Implementation of a project under this section is contingent upon a determination by the Secretary that such project is feasible.

(E) Consultation.—The Secretary shall carry out the erosion control program in consultation with—

(A) the Secretary of Agriculture, particularly with respect to vegetative means of preventing and controlling shoreline erosion;

(B) Federal, State, and local agencies;

(C) private organizations; and

(D) the Coastal Engineering Research Center established under the 1st section of the Act entitled "An Act to make certain changes in the functions of the Beach Erosion Board and the Board of Engineers for Rivers and Harbors, and for other purposes", approved November 7, 1963 (33 U.S.C. 426e; et seq.), by entering into agreements with other Federal, State, or local agencies or private organizations to carry out functions described in subsection (b)(1) when appropriate.

(F) REPORT.—Not later than 60 days after the conclusion of the erosion control program, the Secretary shall prepare and submit an erosion control program final report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives. The report shall include a comprehensive evaluation of the erosion control program and recommendations regarding the continuation of the erosion control program.

(G) Funding.—

(1) Responsibility.—The cost of and responsibility for operation and maintenance (excluding monitoring) of a demonstration project..."
under the erosion control program shall be borne by non-Federal interests on completion of construction of the demonstration project.

(2) Authorization of Appropriations.—There shall be appropriated to carry out this section $21,000,000 to carry out this section.

SEC. 6. DEFINITIONS.

"In this Act, the following definitions apply:

(1) Erosion Control Program.—The term 'erosion control program' means the national shoreline erosion control demonstration program established under this section.

(2) Secretary.—The term 'Secretary' means the Secretary of the Army.

(3) Separable Element.—The term 'separable element' means a project, element, or subsection of this section.

(4) Shore.—The term 'shore' includes each shoreline of the Atlantic and Pacific Oceans, the Gulf of Mexico, the Great Lakes, and lakes, estuaries, and bays directly connected therewith.

(5) Shore Protection Project.—The term 'shore protection project' includes a project for beach nourishment, including the replacement of sand.

(6) Conforming Amendments.—The Act entitled 'An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property,' approved August 13, 1946, is amended—

(a) in subsection (b)(3) of the 1st section (33 U.S.C. 426b(3)—

(i) by striking 'of the Army, acting through the Chief of Engineers and the construction'; and

(ii) by striking the final period;

(b) in subsection (e) of the 1st section by striking 'section 3 and inserting 'section 3 or 5';

(c) in section 3 (33 U.S.C. 426g) by striking 'Secretary of the Army' and inserting 'Secretary of the Navy';

(f) Objectives of Projects.—Section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962-2; 84 Stat. 1829) is amended by inserting 'including shore protection projects such as projects for beach nourishment, including the replacement of sand' after 'water resources projects'.

SEC. 228. CONDITIONS FOR PROJECT AUTHORIZATION.

(a) General Provisions. Section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2); 106 Stat. 2401) is amended—

1 in the 1st sentence by striking '30' and inserting '10';

2 in the 2d sentence by striking 'Before' and inserting 'Upon'; and

3 in the last sentence by inserting 'planning, design, or construction';

(b) Conforming Amendments.—Section 52 of the Water Resources Development Act of 1988 (102 Stat. 4044) is amended—

(A) by striking subsection (a) (33 U.S.C. 579a note);

(B) by redesignating subsections (b) through (e) as subsections (a) through (d), respectively; and

(C) in subsection (d) (as so redesignated) by striking 'or subsection (a) of this section'.

SEC. 229. SUPPORT OF ARMY CIVIL WORKS PROGRAM.

(a) General Authority.—In carrying out research and development in support of the civil works program of the Department of the Army, the Secretary may utilize contracts, cooperative research and development agreements, cooperative agreements, and grants with non-Federal entities, including State and local governments, universities and other educational institutions, consortia, professional and technical societies, public and private scientific and technical foundations, research institutions, educational organizations, and nonprofit organizations.

(b) Commercial Application.—With respect to contracts for research and development, the Secretary may include requirements that have potential commercial application and may use such potential application as an evaluation factor where appropriate.

SEC. 230. DESTRUCTION OF NAVIGATION.

In evaluating potential improvements to navigation and the maintenance of navigation projects, the Secretary shall consider, and, in the case of projects of joint purpose, economic and recreational benefits and environmental impacts, including potential loss of human life that may be associated with flooding and coastal storm events, other than navigable waterways.

SEC. 231. LOSS OF LIFE PREVENTION.

Section 904 of the Water Resources Development Act of 1990 (104 Stat. 4639) is amended by inserting 'and information regarding potential loss of human life that may be associated with flooding and coastal storm events,' after 'conflicts.

SEC. 232. SCENIC AND AESTHETIC CONSIDERATIONS.

In conducting studies of potential water resources projects, the Secretary shall consider measures to preserve and enhance scenic and aesthetic qualities in the vicinity of such projects.

SEC. 233. TERMINATION OF TECHNICAL ADVISORY COMMITTEE.

Section 310 of the Water Resources Development Act of 1990 (33 U.S.C. 2319; 104 Stat. 4639) is amended—

(A) in general. The Secretary may engage in activities in support of other Federal agencies and international organizations to address problems of national significance to the United States.

(B) consultation. The Secretary may engage in activities in support of international organizations only after consulting with the Secretary of State.

(C) Use of Corps' Expertise. The Secretary may use the technical and managerial expertise of the Corps of Engineers to address domestic and international problems related to water resources, infrastructure development, and environmental protection.

(D) funding. There is authorized to be appropriated $1,000,000 to carry out this section. The Secretary may accept and expend additional funds from private or international organizations to carry out this section.

SEC. 234. INTERAGENCY AND INTERNATIONAL SUPPORT AUTHORITY.

(a) In General.—The Secretary may enter into contracts to provide financial assistance under this Act, or to carry out the project as responsive and responsible bid for work advertised by the Secretary or to carry out the project as required pursuant to a contract with the Secretary.

(b) Purchase of American-Made Equipment and Products.—It is the sense of Congress that, to the maximum extent practicable, private industry hopper dredge capacity is available to meet both routine and time-sensitive dredging needs. Such procedures shall include—

(1) scheduling of contract solicitations to effectively distribute dredging work throughout the dredging season;

(2) use of expedited contracting procedures to allow dredges performing routine work to be made available to meet time-sensitive, urgent, or emergency dredging needs;

(3) report. Not later than 2 years after the date of the enactment of this subsection, the Secretary shall report to Congress on whether the vessel placed in ready reserve status under paragraph (2) to allow the vessel to be placed in active status as provided in paragraph (3). The report shall include—

(A) a review of the effectiveness of the use of ready reserve status using the provisions of this subsection for routine or time-sensitive dredging needs;

(B) notice. Not later than 2 years after the date of the enactment of this subsection, the Secretary shall—

(i) provide for purposes of project justification, economic and recreational benefits, and environmental impacts, including potential loss of human life that may be associated with flooding and coastal storm events, other than navigable waterways.
shall be paid for out of funds made available from the Harbor Maintenance Trust Fund and shall not be charged against the Corps of Engineers' Revolving Fund Account or any individual project fund. The dredge is specifically identified in connection with that project."

**TITLE III—PROJECT-RELATED PROVISIONS**

**SEC. 303. PROJECT MODIFICATIONS.**

(a) Authorization to Modify Projects—

(1) SAN FRANCISCO RIVER AT CLIFTON, ARIZONA.—The project for flood control, San Francisco River at Clifton, Arizona, authorized by section 202(a) of the Water Resources Development Act of 1980 (104 Stat. 4062), is modified to authorize the Secretary to construct the project substantially in accordance with the report of the Corps of Engineers dated May 23, 1996, at a total cost of $61,100,000, and an estimated non-Federal cost of $34,228,000, with an estimated Federal cost of $13,323,000, and an estimated non-Federal cost of $8,500,000, and an estimated non-Federal cost of $7,300,000.

(2) OAKLAND HARBOR, CALIFORNIA.—The project for navigation, Oakland Outer Harbor, California, and Oakland Inner Harbor, California, authorized by section 202 of the Water Resources Development Act of 1986 (100 Stat. 4042), are modified to direct the Secretary—

(A) to combine the 2 projects into 1 project, to be designated as the Oakland Harbor, California, project; and

(B) to carry out the combined project substantially in accordance with the plans and subject to the conditions recommended in the report of the Corps of Engineers dated July 15, 1994, at a total cost of $21,100,000, with an estimated Federal cost of $12,780,000, with an estimated Federal cost of $40,100,000, with an estimated Federal cost of $22,600,000 and an estimated non-Federal cost of $17,500,000.

(9) Ramapo River at Oakland, New Jersey, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4095), is modified to authorize the Secretary to carry out the project substantially in accordance with the report of the Corps of Engineers dated May 1994, at a total cost of $11,300,000, with an estimated Federal cost of $8,500,000 and an estimated non-Federal cost of $2,800,000.

(10) Wilmington Harbor-North East Cape Fear River, North Carolina, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4095), is modified to authorize the Secretary to carry out the project substantially in accordance with the General Design Memorandum Supplement dated February 1994, at a total cost of $52,041,000, with an estimated Federal cost of $25,729,000 and an estimated non-Federal cost of $26,312,000.

(11) Saw Mill Run, Pennsylvania.—The project for flood control, Saw Mill Run, Pittsburg, Pennsylvania, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), is modified to authorize the Secretary to carry out the project substantially in accordance with the report of the Corps of Engineers dated April 8, 1994, at a total cost of $17,000,000, with an estimated Federal cost of $9,585,000 and an estimated non-Federal cost of $3,195,000.

(12) San Juan Harbor, Puerto Rico.—The project for navigation, San Juan Harbor, Puerto Rico, authorized by section 401 of the Water Resources Development Act of 1980 (104 Stat. 4097), is modified to authorize the Secretary to carry out the project substantially in accordance with the report of the Corps of Engineers dated 1980, at a total cost of $17,000,000, with an estimated Federal cost of $12,600,000, with an estimated Federal cost of $70,577,000 and an estimated non-Federal cost of $41,243,000.

(13) Island Park, Arizona—The project for flood control, Island Park, Arizona, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4125), is modified to authorize the Secretary to carry out the project substantially in accordance with the report of the Corps of Engineers dated May 23, 1996, at a total cost of $45,414,000, with an estimated Federal cost of $12,870,000, with an estimated Federal cost of $8,380,000 and an estimated non-Federal cost of $4,409,000.

(14) Upper Jordan River, Utah, authorized by section 101(a)(23) of the Water Resources Development Act of 1990 (104 Stat. 4610), is modified to authorize the Secretary to carry out the project substantially in accordance with the General Design Memorandum for the project dated March 1994, and the Post Authorization Change Report for the project dated April 1994, at a total cost of $12,870,000, with an estimated Federal cost of $8,140,000 and an estimated non-Federal cost of $2,830,000.

(b) Projects Subject to Reports.—The following projects are modified as follows, except that no funds may be obligated to carry out work in the following manner:

(1) Alamo Dam, Arizona.—The project for flood control and other purposes, Alamo Dam and Lake, Arizona, authorized by section 10 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved December 22, 1944 (58 Stat. 957), is further modified to authorize the Secretary to operate the Alamo Dam to provide fish and wildlife benefits both upstream and downstream of the Dam. Such operation shall not reduce flood control and recreation benefits provided by the project.

(2) Phoenix, Arizona.—The project for flood control and water quality improvement, Phoenix, Arizona, authorized by section 321 of the Water Resources Development Act of 1992 (106 Stat. 4848), is modified—

(A) to authorize the Secretary to carry out the project at a total cost of $6,100,000, and an estimated non-Federal cost of $1,100,000; and

(B) to authorize the Secretary to carry out the project at a total cost of $4,670,000, and an estimated non-Federal cost of $3,500,000.

(3) Glenn-Colusa, California.—The project for flood control, Sacramento River, California, authorized by section 2 of the Act entitled ''An Act to provide for the control of the floods of the Mississippi River and of the Sacramento River, California, and for other purposes'', approved March 1, 1917 (39 Stat. 949), and modified by section 102 of the Energy and Water Developments Appropriations Act, 1994 (104 Stat. 1074-1075), is modified to authorize the Secretary to carry out the project at a total cost of $14,200,000, and an estimated non-Federal cost of $2,700,000.

(4) Upper Jordan River, Utah.—The project for flood control, Upper Jordan River, Utah, authorized by section 101(a)(23) of the Water Resources Development Act of 1990 (104 Stat. 4610), is modified to authorize the Secretary to carry out the project substantially in accordance with the General Design Memorandum for the project dated March 1994, and the Post Authorization Change Report for the project dated April 1994, at a total cost of $12,870,000, with an estimated Federal cost of $8,380,000 and an estimated non-Federal cost of $4,409,000.

(5) Comite River, Louisiana.—The Comite River, Louisiana, project for flood control, authorized as part of the project for flood control, Amite River and Tributaries, Louisiana, by section 101(11) of the Water Resources Development Act of 1992 (106 Stat. 4802-4803), is modified to include as an integral part of the project the portion of the project that is located south of the existing south terminal groin between 18th and 38th Streets, including the mouth of the river at the end of the bank of the Tybee Island up to Horse Pen Creek.

(6) Grand Isle and Vicinity, Louisiana.—The project for hurricane damage prevention, flood control, and beach erosion control along Grand Isle and Vicinity, Louisiana, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1077), is modified to authorize the Secretary to construct a permanent breakwater and levee system at a total cost of $17,000,000.

(7) Red River Waterway, Louisiana.—The project for mitigation of fish and wildlife losses,
Red River Waterway, Louisiana, authorized by section 601(a) of the Water Resources Development Act of 1985 (100 Stat. 4142) and modified by section 102(p) of the Water Resources Development Act of 1990 (104 Stat. 4613), is further modified—

(A) to authorize the Secretary to carry out the project at a total cost of $10,500,000; and

(B) to include in the cost of the project funds that are purchased adjacent to the Loggy Bayou Wildlife Management Area may be located in Caddo Parish or Red River Parish.

(b) RIVER WATERWAY, MISSISSIPPI RIVER TO SHREVEPORT, LOUISIANA.—The project for navigation, Red River Waterway, Mississippi River to Shreveport, Louisiana, authorized by section 401 of the Water Resources Act of 1968 (82 Stat. 731), is modified to require the Secretary to dredge and perform other related work as required to reestablish and maintain access to and the environmental value of, the bendway channels designated for preservation in project documentation prepared before the date of the enactment of this Act. The work shall be carried out in accordance with the local cooperation requirements for other navigation features of the project.

(9) STILLWATER, MINNESOTA.—The project for flood control, Stillwater, Minnesota, authorized by section 363 of the Water Resources Development Act of 1992 (106 Stat. 4861-4862), is modified—

(A) to authorize the Secretary to expand the flood wall system if the Secretary determines that the expansion is feasible; and

(B) to authorize the Secretary to construct the project at a total cost of $11,600,000, with an estimated Federal cost of $8,700,000 and an estimated non-Federal cost of $2,900,000.

(10) JOSEPH G. MINISH PASSAIC RIVER PARK, NEW JERSEY.—The streambank restoration element of the project for flood control, Passaic River Main Stem, New Jersey and New York, authorized by section 101(a)(18)(B) of the Water Resources Development Act of 1990 (104 Stat. 4608) and known as the “Joseph G. Minish Passaic River Waterfront and Historic Area, New Jersey”, is modified—

(A) to authorize the Secretary to construct such element at a total cost of $75,000,000; and

(B) to provide that construction of such element may be undertaken before implementation of the remainder of the Passaic River Main Stem project; and

(C) to provide that such element shall be treated as a separable first cost under subsection (a) of the Water Resources Development Act of 1986 (100 Stat. 4095), is modified to authorize the Secretary to carry out the project to a depth of not to exceed 45 feet, at a total cost of $83,000,000.

(11) SEPARABLE ELEMENT DETERMINATION.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall—

(A) conduct a study of the advisability of separating the channel project pursuant to subsection (a) to take into account the change in the Federal participation in such project pursuant to subsection (a); and

(B) report to Congress on the study, including recommendations concerning the advisability of so modifying the project.

(b) RIVER TO SHREVEPORT, LOUISIANA.—The project for navigation, Red River Waterway, Mississippi River to Shreveport, Louisiana, authorized by section 101(a)(4) of the Water Resources Development Act of 1990 (104 Stat. 4606), is modified to direct the Secretary to permit the non-Federal contribution for the material from such project, if the Secretary, after compliance with applicable laws and after opportunity for public review and comment, may consider alternatives to disposal the material, including environmentally acceptable alternatives for beneficial uses of dredged material and environmental restoration.

SEC. 302. NOGALES WASH AND TRIBUTARIES, ARIZONA.

The project for flood control, Nogales Wash and tributaries authorized by section 101(a)(2) of the Water Resources Development Act of 1986 (100 Stat. 4090), is amended by striking the 1st semicolon and all that follows and inserting the following:

"The project may be located in Red River Parish, Louisiana."
the turning basin in accordance with the follow-}

ing section: Beginning at a point on the eastern

terminal of the existing project, N 251052.93, E 78390.00, thence running south

degrees, 1 minute, 32.2 seconds east 306.76 feet to

a point, N 251070.00, E 78390.00, thence running south

degrees, 45 minutes, 0 seconds, east 155.56 feet to

N 250960.00, E 783500.00, thence running north

edges of the channel as are needed for the

part of the cost of acquiring such portions of the

To provide that St. Bernard Parish, Louisiana, and

the Lake Borgne Basin Levee District, Louisi-

ana, authorized by section 204 of the Flood Con-

and flood control, Lake Pontchartrain, Louisi-

ana, authorized by section 204 of the Flood Con-

struction of the plan of improvement

progress made in carrying out this section and

the Secretary to transmit to Congress a report on the

the date of the enactment of this Act, the Sec-

the Secretary shall transmit to Congress a report on the

and maintenance responsibility was transferred

of the Water Resources Development Act of 1992 (106

for which operation

the Secretary to carry out a project for mitiga-

ning of the channel at the Tolchester Channel S-

SEC. 327. TOLCHESTER CHANNEL, MARYLAND.

the plan of improvement

The project for shoreline protection, Captiva

is relevant initial dredging.—Any re-

out such project in accordance with

the non-Federal share of costs for general navigation features. The Fed-

eral and non-Federal shares of the cost of the

and maintenance acts of the non-Federal

In section 122 of the Water Resources Develop-

ment Act of 1990 (104 Stat. 4617) is amended—

the non-Federal project shall be 50 percent; except that

maining the plan of improve


costly Federal share of the cost of implementing the plan of improve-

shall be provided by non-Federal interests.

stormwater detention area shall be consistent

County, Florida, Conceptual Design'', with

Water Treatment Area 1 East, generally in ac-

The project for flood protection of West Palm

The project for flood control, Chicagoland

Water Resources Act of 1962 (76 Stat. 1175), is modi-

the plan of improvement

The project for shoreline protection, Panama City Beaches, Florida,

authorized by section 501(a) of the Water Re-

source Development Act of 1996 (100 Stat. 4133), is modified to direct the Secretary to enter into

an agreement with the non-Federal interest for carrying out such project in accordance with

section 206 of the Water Resources Development


SEC. 319. CHICAGO, ILLINOIS.

The project for flood control, Chicago Harbor,

Lake Michigan, Illinois, for which operation

and maintenance acts of the non-Federal

in the vicinity of McCook, Illinois, and

to provide that the reservoir project may be con-

structed only on the basis of a specific plan that

has been evaluated by the Secretary under the


SEC. 320. CHICAGO LOCK AND THOMAS J. O'BRIEN LOCK, ILLINOIS.

The project for navigation, Chicago Harbor,

Lake Michigan, Illinois, for which operation and

maintenance responsibility was transferred to the Secretary under chapter IV of title I of

the Supplemental Appropriations Act, 1983 (97 Stat. 311), and section 107 of the Energy

and Water Development Appropriation Act, 1982 (95 Stat. 1137), is modified to direct the Secretary to

conduct a study to determine the feasibility of making such structural repairs as are necessary to

prevent leakage through the Chicago Lock and the Thomas J. O'Brien Lock, Illinois, and

modifying the permanent equipment at such locks to measure any leakage. The Secretary may carry

out such repairs and installations as are ne-

cessary following completion of the study.

SEC. 321. KASKASKIA RIVER, ILLINOIS.

The project for navigation, Kaskaskia River,

Illinois, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1175), is modi-

fied to add fish and wildlife and habitat restora-

tion as project purposes.

SEC. 322. LOCKS ON COLUMBUS CANAL, ALTON, ILLINOIS AND MISSOURI.

SEC. 323. WHITE RIVER, IINDIANA.

The project for flood control, Indianapolis on West Fork of the White River, Indiana, author-

ized by section 5 of the Act entitled "An Act au-

thorizing the construction of certain public works on rivers and harbors for flood control, and

other purposes", approved June 22, 1936 (49 Stat. 1230), is modified to provide for the ex-

tent of the 16-foot deep (mean low gulf) by 250-

foot wide Baptiste Calotte Bayou entrance channel to approximately mile 8 of the Mis-

sippi River Gulf Outlet navigation channel at a total estimated Federal cost of $80,000, includ-

ing $4,000 for surveys and $76,000 for Coast Guard aids to navigation.

SEC. 324. BAPTISTE CALLOTTE BAYOU, LOU-

SIONA.

The project for hurricane damage prevention and

flood control, Lake Pontchartrain, Louisi-

ana, authorized by section 204 of the Flood Con-

trol Act of 1965 (79 Stat. 1169), is modified to provide that St. Bernard Parish, Louisiana, and

the Lake Borgne Basin Levee District, Louisi-

ana, shall not be required to pay the unpaid

portion of the non-Federal cost of the project.

SEC. 325. MISSISSIPPI RIVER-GULF OUTLET, LOU-

SIONA.

The project for navigation, Mississippi River

Outlets, Venice, Louisiana, authorized by section

101 of the River and Harbor Act of 1968 (82 Stat. 490), is modified—

(1) by striking ``, that requires no separable

and Harbor Act of 1990 (104 Stat. 4613) is amended—

the non-Federal cost of $39,975,000 and an estimated non-

Federal cost of $46,000,000. The cost of work,

cluding relocations undertaken by the non-Fed-

eral interest after February 15, 1994, on features identified in the Master Plan shall be credited toward

the non-Federal share of project costs.

SEC. 326. MISSISSIPPI RIVER-GULF OUTLET, LOU-

SIONA.

Section 844 of the Water Resources Develop-

ment Act of 1986 (100 Stat. 4177) is amended by adding at the end the following:

"(C) COMMUNITY IMPACT MITIGATION PLAN—

Using funds made available under this subsection (a), the Secretary shall implement a comprehen-

sive community impact mitigation plan, as described in the evaluation report of the New Orle-

ans District Engineer dated August 1995, that, to the maximum extent practicable, provides for

mitigation or compensation, or both, for the direct and indirect social and economic impacts that the project described in subsection (a) will have on the affected areas referred to in sub-

section (b)"

SEC. 327. TOLCHESTER CHANNEL, MARYLAND.

The project for navigation, Baltimore Harbor and

Channels, Maryland, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat.

297), is modified to direct the Secretary—
(2) if determined to be feasible and necessary for safe and efficient navigation, to implement such straightening as part of project maintenance.

SEC. 328. CROSS VILLAGE HARBOR, MICHIGAN.

(a) General Rule.—Notwithstanding section 1001 of the Water Resources Development Act of 1986 (33 U.S.C. 579a), the project for navigation, Cross Village Harbor, Michigan, authorized by section 101 of the River and Harbor Act of 1966 (80 Stat. 1405), shall remain authorized to be carried out by the Secretary.

(b) Project Description.—The project described in subsection (a) shall not be authorized for construction after the last day of the 5-year period that begins on the date of the enactment of this Act unless funds have been obligated for the construction (including planning and design) of the project.

SEC. 329. SAGINAW RIVER, MICHIGAN.

The project for flood protection, Saginaw River, Michigan, authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 311), is modified to include as part of the project the design and construction of an inflatable dam on the Flint River, Michigan, at a total cost of $500,000.

SEC. 330. SAULT SAINTE MARIE, CHIPPEWA COUNTY, MICHIGAN.

(a) In General.—The project for navigation, Sault Sainte Marie, Chippewa County, Michigan, authorized by section 1104 of the Water Resources Development Act of 1966 (100 Stat. 4254), is modified as follows:

(1) Payment of non-Federal Share.—The non-Federal share of the project shall be paid as and when appropriated.

(b) Great Lakes States Defined.—In this section, the term “Great Lakes States” means the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin.

SEC. 331. ST. JOHNS BAYOU AND NEW MADRID FLOODWAY, MISSOURI.

Notwithstanding any other provision of law, Federal assistance made available under the rural enterprise zone program of the Department of Agriculture may be used toward payment of the non-Federal share of the costs of the project for flood control, St. Johns Bayou and New Madrid Floodway, Missouri, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4118).

SEC. 332. LOST CREEK, COLUMBUS, NEBRASKA.

(a) Maximum Federal Expenditure.—The maximum Federal funds that may be allotted for the project for flood control, Lost Creek, Columbus, Nebraska, shall be $5,500,000.

(b) Revision of Project Cooperation Agreement.—The Secretary shall revise the project cooperation agreement for the project referred to in subsection (a) to take into account the change in the Federal participation in such project participation (a).

SEC. 333. PASSAIC RIVER, NEW JERSEY.

Section 1148 of the Water Resources Development Act of 1986 (100 Stat. 4254) is amended to read as follows:

“(a) Acquisition of Lands.—The Secretary may acquire from willing sellers lands on which residential structures are located and that are subject to frequent and recurring flood damage, as identified in the supplemental floodway report of the Corps of Engineers, Passaic River Buyout Study, dated September 1995, at an estimated total cost of $194,000,000.

(b) Retention of Lands for Flood Protection.—Lands acquired by the Secretary under this subparagraph shall be retained by the Secretary for future use in conjunction with flood protection and flood management in the Passaic River Basin.

(c) Cost Sharing.—The non-Federal share of the cost of carrying out this section shall be 25 percent plus any amount that might result from application of subsection (d).

(d) Application of Benefit-Cost Ratio Waiver Authority.—In evaluating and implementing the project under this section, the Secretary shall allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c), to the extent that the Secretary’s evaluation indicates that applying such section is necessary to implement the project.

SEC. 334. ACEQUIAS IRRIGATION SYSTEM, NEW MEXICO.

The second sentence of section 1113(b) of the Water Resources Development Act of 1986 (100 Stat. 4232) is amended by inserting before the period at the end the following: “; except that the Federal share of reclamation studies carried out by the Secretary under this section shall be 100 percent”.

SEC. 335. JONES INLET, NEW YORK.

The project for navigation, Jones Inlet, New York, authorized by section 2 of the Act entitled “An Act authorizing the construction of certain public works on rivers and harbors, and for other purposes”, approved March 1, 1925 (42 Stat. 1276), and the project authorized by section 309 of the Water Resources Development Act of 1992 (106 Stat. 2476), is further modified to provide for the conveyance of drainage pumps.

SEC. 336. BUFORD TRENTON IRRIGATION DISTRICT, NORTH DAKOTA.

(a) Acquisition of Easements.—(1) In General.—The Secretary may acquire, from willing sellers, land necessary to facilitate the project. “An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes”, approved March 2, 1945 (50 Stat. 13), is modified to direct the Secretary to place uncontaminated dredged material on beach areas downrift from the federally maintained channel to the extent that such work is necessary to mitigate the interruption of littoral system natural processes caused by the jetty and continued dredging of the federally maintained channel.

SEC. 337. RENO BEACH-HOWARDS FARM, OHIO.

The Secretary shall acquire from willing sellers, lands on which the non-Federal share of the costs of the project shall be 100 percent, as provided by the non-Federal interest shall be determined on the basis of the appraisal performed by the Corps of Engineers and dated September 19, 1996.

SEC. 338. BROKEN BOW LAKE, RED RIVER BASIN, OKLAHOMA.

The project for flood control and water supply, Broken Bow Lake, Red River Basin, Oklahoma, authorized by section 203 of the Flood Control Act of 1948 (62 Stat. 1178), is modified to do the best to locate the project and fund the project and are provided by the non-Federal interest shall be determined on the basis of the appraisal of the property performed by the Corps of Engineers and dated September 19, 1996.

SEC. 339. WISTER LAKE PROJECT, LEFLORE COUNTY, OKLAHOMA.

The Secretary shall acquire from willing sellers, lands on which the non-Federal share of the costs of the project shall be 100 percent, as provided by the non-Federal interest shall be determined on the basis of the appraisal performed by the Corps of Engineers and dated September 13, 1996.

SEC. 340. BONNIEVILLE LOCK AND DAM, COLUMBIA RIVER, OREGON AND WASHINGTON.

(a) In General.—The project for Bonneville Lock and Dam, Columbia River, Oregon and Washington, authorized by the Act of August 20, 1937 (50 Stat. 731), and modified by section 102(v) of the Water Resources Development Act of 1992 (106 Stat. 2480), is further modified to provide for the conveyance of drainage pumps.

(b) ‘‘School lot’’ as Described.—The term “school lot” as described in section 2, block 5, plat of located North Bonneville.

(c) Conveyance of Drainage Pumps.—The Secretary shall—

(1) convey to the Buford Trennton Irrigation District all right, title, and interest of the United States in the drainage pumps located within the boundaries of the District; and

(2) provide a lump sum of $600,000 for power requirements associated with the operation of the drainage pumps.

(d) Authorization of Appropriations.—This section is authorized to be appropriated to carry out this section $34,000,000.

SEC. 337. RENO BEACH-HOWARDS FARM, OHIO.

The project for flood protection, Reno Beach- Howards Farm, Ohio, authorized by section 203 of the Flood Control Act of 1948 (62 Stat. 1178), is modified to provide that the value of lands, easements, and other terms and conditions of title that are necessary to carry out the project are being provided by the Federal Government for future use in conjunction with flood protection and flood management in the Passaic River Basin.

SEC. 338. BROKEN BOW LAKE, RED RIVER BASIN, OKLAHOMA.

The project for flood control and water supply, Broken Bow Lake, Red River Basin, Oklahoma, authorized by section 203 of the Flood Control Act of 1948 (62 Stat. 309) and modified by section 203 of the Flood Control Act of 1962 (76 Stat. 1187) and section 102(v) of the Water Resources Development Act of 1992 (106 Stat. 4808), is further modified to provide for the allocation of a sufficient quantity of water supply space in Broken Bow Lake to support the Mountain Fork trout fishery. Releases of water from Broken Bow Lake for the Mountain Fork trout fishery as mitigation for the loss of fish and wildlife resources in the Mountain Fork River shall be carried out at no expense to the State of Oklahoma.

SEC. 339. WISTER LAKE PROJECT, LEFLORE COUNTY, OKLAHOMA.

The Secretary shall maintain a minimum conservation pool level of 478 feet at the Wister Lake project in LeFlore County, Oklahoma, authorized by section 4 of the Act entitled “An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes”, approved June 28, 1938 (52 Stat. 1218). Notwithstanding title I of the Water Resources Development Act of 1966 (33 U.S.C. 2211 et seq.) or any other provision of law, any increase in water supply yield that results from the pool level of 478 feet shall be considered as unallocated. The application of such time as a user enters into a contract for the supply under such applicable laws concerning cost-sharing as are in effect on the date of the contract.

SEC. 340. BONNIEVILLE LOCK AND DAM, COLUMBIA RIVER, OREGON AND WASHINGTON.

(a) In General.—The project for Bonneville Lock and Dam, Columbia River, Oregon and Washington, authorized by the Act of August 20, 1937 (50 Stat. 731), and modified by section 83 of the Water Resources Development Act of 1974 (88 Stat. 35), is further modified to authorize the Secretary to convey to the city of Northville, Washington, all right, title and interest of the United States in the drainage pumps located within the boundaries of the city, specifically, Lots M1 through M15, M16 the “community center lot”, M18, M19, M22, M24, S42 through S56, and S52 through S60.

(b) “School lot” as Described.—The term “school lot” as described in section 2, block 5, plat of located North Bonneville.

(c) Conveyance of Drainage Pumps.—The Secretary shall—

(1) convey to the Buford Trennton Irrigation District all right, title, and interest of the United States in the drainage pumps located within the boundaries of the District; and

(2) provide a lump sum of $600,000 for power requirements associated with the operation of the drainage pumps.

(d) Authorization of Appropriations.—This section is authorized to be appropriated to carry out this section $34,000,000.
the Hamilton Island landfill, if the Secretary determines, at the time of the proposed conveyance, that the Department of the Army has taken all action necessary to protect human health and the environment.

(5) Such portions of Parcel H as can be conveyed without a requirement for further investigation or action by the Department of the Army under the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(6) Such easements as the Secretary considers necessary for—

(a) sewer and water line crossings of relocated Washington Street Highway 14; and

(b) access to the Columbia River across those portions of Hamilton Island that remain under the ownership of the United States.

(b) Time period for conveyances. The conveyances referred to in subsections (a)(1), (a)(2), (a)(5), and (a)(6)(A) shall be completed within 180 days after the United States receives the release referred to in subsection (d). All other conveyances shall be completed expeditiously, subject to any conditions specified in the applicable subsection.

(c) Purpose. The purpose of the conveyances authorized by subsection (a) is to resolve all outstanding issues between the United States and the 1st section of the Act entitled ''An Act making . . . '' approved June 18, 1878 (20 Stat. 157), is amended to read as follows:

The project for reconstruction of the Allendale Dam, North Providence, Rhode Island, authorized by section 358 of the Water Resources Development Act of 1992 (106 Stat. 4861), is modified to authorize the Secretary to reconstruct the dam, at a total cost of $530,000, with an estimated Federal cost of $262,500 and an estimated non-Federal cost of $87,500.

SEC. 348. NARRAGANSETT, RHODE ISLAND.

The project for the Narragansett Basin, Rhode Island, authorized by section 358 of the Water Resources Development Act of 1992 (106 Stat. 4861) is amended—

(c) by striking ''$2,000,000'' and inserting ''$1,900,000''

(d) by striking ''$150,000'' and inserting ''$1,425,000''

(e) by striking ''$475,000''.

SEC. 349. CLOUTER CREEK DISPOSAL AREA, CHARLESTON, SOUTH CAROLINA.

(a) Transfer of administrative jurisdiction. Notwithstanding any other law, the Secretary of the Navy shall assume any administrative jurisdiction over the approximately 1,400 acres of land under the jurisdiction of the Department of the Navy that comprises the Clouter Creek disposal area, Charleston, South Carolina.

(b) Use of transferred land. The land transferred under subsection (a) shall be used by the Department of the Army as a dredged material disposal area for dredging activities in the vicinity of Charleston, South Carolina, including the Charleston Harbor navigation projects.

(c) Cost sharing. Operation and maintenance, including rehabilitation, of the dredged material disposal area transferred under this section shall be carried out in accordance with section 101 of the Water Resources Development Act of 1986 (33 U.S.C. 2211).

SEC. 350. BUFFALO BAYOU, TEXAS.

The non-Federal interest in the projects for flood control, Buffalo Bayou and tributaries, Texas, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1258) and by section 101(a)(21) of the Water Resources Development Act of 1965 (79 Stat. 1091), may be reimbursed by up to $5,000,000 toward required non-Federal participation in projects: White Oak Bayou, Brays Bayou, Hunting Bayou, Garners Bayou, and the Upper Reach on Greens Bayou.

SEC. 351. DALLAS FLOODWAY EXTENSION, DAL- LAS, TEXAS.

(a) In general. The project for flood control, Dallas Floodway Extension, Dallas, Texas, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1258) to provide that flood protection works constructed under the non-Federal interests along the Trinity River in Dallas, Texas, for Rochester Park and the Central Wastewater Treatment Plant shall be included as a part of the project and the cost of such works shall be credited against the non-Federal share of project costs.

(b) Determination of amount. The amount to be credited under subsection (a) shall be determined by the Secretary. In determining such amount, the Secretary may permit credit only to the extent of the non-Federal interest that is compatible with the project referred to in subsection (a), including any modification thereof, and that is required for construction of the project.

(c) Cash contribution. Nothing in this section shall be construed to limit the applicability of the Water Resources Development Act of 1992 (106 Stat. 4861), is modified to provide for a depth of 6 feet within portions of the Fairmount pool between the Fairmount Dam and the Columbia Bridge, generally within the limits of the channel alignments referred to in paragraph (6)(B) for grants and the value of work performed by the Secretary for that portion of the work performed by the Secretary for the benefit of, sell, or resell Parcels S35 and S56, and Columbia Rivers below Vancouver, Washington and Columbia Rivers below Vancouver, Washington, and Portland, Oregon, authorized by the 1st section of the Act entitled "An Act making . . . " approved August 8, 1917 (40 Stat. 252), is modified to provide for a depth of 6 feet within portions of the Fairmount pool between the Fairmount Dam and the Columbia Bridge, generally within the limits of the channel alignments referred to in paragraph (6)(B) for grants and the value of work performed by the Secretary for that portion of the work performed by the Secretary for the benefit of, sell, or resell Parcels S35 and S56, and

SEC. 353. VIRGINIA BEACH, VIRGINIA.


SEC. 353. HAYSI LAKE, VIRGINIA.

The Secretary, Virginia, feature of the project for flood control, Tug Fork of the Big Sandy River, Kentucky, West Virginia, and Virginia, authorized pursuant to section 202(a) of the Energy and Water Development Appropriation Act, 1981 (94 Stat. 1339), is modified—

(1) to add recreation and fish and wildlife enhancement as project purposes;

(2) to direct the Secretary to construct the Haysi Dam feature of the project substantially in accordance with Plan A as set forth in the Draft General Plan Supplement Report for the Levisa Fork Basin, Virginia and Kentucky, dated May 1995;

(3) to direct the Secretary to apply section 103(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m); 100 Stat. 4087) to the construction of such feature in the same manner as that section is applied to other projects or project features constructed pursuant to such section 202(a); and

(4) to provide for operation and maintenance of recreational facilities on a reimbursable basis.

SEC. 354. RUSSELL INLET, VIRGINIA BEACH, VIRGINIA.

The project for navigation and shoreline protection, Rudee Inlet, Virginia Beach, Virginia, authorized by section 601(d) of the Water Resources Development Act of 1986 (100 Stat. 4148), is modified to authorize the Secretary to continue maintenance of the project for 50 years beginning on the date of initial construction of the project. The Federal share of the cost of such maintenance shall be determined in accordance with title I of the Water Resources Development Act of 1986 (33 U.S.C. 2211 et seq.).

SEC. 355. VIRGINIA BEACH, VIRGINIA.

(a) ADJUSTMENT OF NON-FEDERAL SHARE.—Notwithstanding any other provision of law, non-Federal share of the costs of the project for beach erosion control and hurricane protection, Virginia Beach, Virginia, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4136), shall be reduced by $13,200,803 or by such amount as is determined by an audit carried out by the Department of the Army to be due to the city of Virginia Beach as reimbursement for beach nourishment activities carried out by the city between October 1, 1986, and September 30, 1993, if the Federal Government has not reimbursed the city for the activities prior to the date on which a project cooperation agreement is executed for the project.

(b) EXTENSION OF FEDERAL PARTICIPATION.—In proportion to the costs of the project for beach erosion control and hurricane protection, Virginia Beach, Virginia, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4136), and modified by section 101 of the River and Harbor Act of 1954 (68 Stat. 1254) and modified by section 101 of the River and Harbor Act of 1962 (76 Stat. 1177), the Secretary shall extend Federal participation in the periodic nourishment of Virginia Beach as authorized by section 101 of the River and Harbor Act of 1954 (68 Stat. 1254) and modified by section 101 of the River and Harbor Act of 1962 (76 Stat. 1177).

SEC. 356. EAST WATERWAY, WASHINGTON.

The project for navigation, East and West Waterways, Seattle Harbor, Washington, authorized by the 1st section of the Act entitled "An Act to provide for construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved March 2, 1919 (40 Stat. 1130), is modified—

(1) to expedite review of potential deepening of the channel in the East waterway from Elliott Bay to Terminal 25 to a depth of up to 51 feet; and

(2) if determined to be feasible, to implement such deepening as part of project maintenance.

In carrying out the review by the Secretary the Secretary shall coordinate with the Port of Seattle regarding use of Slip 27 as a dredged material disposal area.

SEC. 357. BLUEBUSH LAKE, WEST VIRGINIA.

Section 102(f) of the Water Resources Development Act of 1992 (106 Stat. 4810) is amended by inserting after "project," the 1st place it appears "except for that organic matter necessary to maintain and enhance the biological resources of such waters and such nonobtrusive items of debris as may not be economically feasible to prevent being released through such project."

SEC. 358. MOOREFIELD, WEST VIRGINIA.

(a) REVIEW.—The Secretary, as part of the implementation of the project for flood control, Moorefield, West Virginia, shall conduct a review of the activities of the Corps of Engineers to determine whether the failure of the Corps of Engineers to carry out a specific adjustment for the project by May 1, 1996, contributed to any flood damages at the town of Moorefield during 1996.

(b) REDUCTION OF NON-FEDERAL SHARE.—To the extent the Secretary determines under subsection (a) that the activities of the Corps of Engineers contributed to any flood damages, the Secretary shall reduce the non-Federal share of the project costs by 25 percent in accordance with section 156 of the Water Resources Development Act of 1992 (106 Stat. 4856).

(c) COST SHARING.—The credit for such design work shall not exceed 6 percent of the total construction costs of the project.

(d) CREDIT FOR LANDS, EASEMENTS, AND RIGHTS-OF-WAY.—The Secretary shall receive credit for lands, easements, rights-of-way, and relocations toward its share of project costs including all reasonable costs associated with obtaining permits necessary for construction, maintenance or interfacing of such project on publicly owned or controlled lands, but not to exceed 25 percent of total project costs.

SEC. 359. SOUTHERN WEST VIRGINIA.

(a) CREDIT SHARING.—Section 340(c) of the Water Resources Development Act of 1992 (106 Stat. 4856) is amended to read as follows:

"(c) CREDIT SHARING.—In accordance with paragraph (1), the Secretary shall transfer to the lands described in paragraph (3), including all works, structures, and other improvements to such lands.

(b) TRANSFER OF PROPERTY.—

(1) IN GENERAL.—Subject to the requirements of this subsection, the Secretary shall transfer to the State of West Virginia, authorized pursuant to section 203 of the Flood Control Act of 1962 (76 Stat. 1190) and modified by section 814 of the Water Resources Development Act of 1986 (100 Stat. 4169), is further modified as provided by this section.

(c) TRANSFER OF PROPERTY.—

(1) IN GENERAL.—Subject to the requirements of this subsection, the Secretary shall transfer to the Secretary of the Interior, without consideration, all right, title, and interest of the United States to lands that are culturally and religiously significant to the Ho-Chunk Nation.

SEC. 360. WEST VIRGINIA TRAILHEAD FACILITIES.

Section 306 of the Water Resources Development Act of 1992 (106 Stat. 4840-4841) is amended—

(1) by inserting "(a) IN GENERAL.—" before "The Secretary;" and

(2) by adding at the end the following:

"(b) INTERAGENCY AGREEMENT.—The Secretary shall enter into an interagency agreement with the Federal entity that provided assistance for the implementation of the project for the purposes of providing ongoing technical assistance and oversight for the trail facilities envisioned by the plan developed under this section. The Federal entity shall provide such assistance and oversight."

SEC. 361. KICKAPOO RIVER, WISCONSIN.

(a) IN GENERAL.—The project for flood control and allied purposes, Kickapo River, Wisconsin, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1190) and modified by section 814 of the Water Resources Development Act of 1986 (100 Stat. 4169), is further modified as provided by this section.

(b) TRANSFER OF PROPERTY.—

(1) IN GENERAL.—Subject to the requirements of this subsection, the Secretary shall transfer to the State of Wisconsin, authorized pursuant to section 814 of the Water Resources Development Act, 1981 (94 Stat. 1339), is modifiedÐ

(a) to add a memorandum of understanding referred to in subsection (a) in Vernon County, Wisconsin, in the following sections:

Section 31, Township 14 North, Range 1 East of the 4th Principal Meridian.

(B) Sections 2 through 11, and 16, 17, 20, and 21, Township 13 North, Range 2 West of the 4th Principal Meridian.

(C) Sections 15, 16, 21 through 24, 26, 27, 31, and 33 through 36, Township 14 North, Range 2 West of the 4th Principal Meridian.

(2) TERMS AND CONDITIONS.—

(a) HOLD HARMLESS; REIMBURSEMENT OF UNITED STATES.—The transfer under paragraph (1) shall be made on the condition that the State of Wisconsin enters into a written agreement with the Secretary to hold the United States harmless from all claims arising from or through the operation of the lands transferred subject to the transfer. If title to the lands described in paragraph (3) is sold or transferred by the State, the State shall reimburse the United States for the price paid therefor by the United States for purchasing such lands.

(b) IN GENERAL.—The Secretary shall make the transfers under paragraphs (1) and (2) only if by October 30, 1997, the State of Wisconsin enters into and submits to the Secretary a memorandum of understanding, as specified in subparagraph (C), with the tribal organization recognized by the Secretary by section 5(7) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(i)) of the Ho-Chunk Nation.

(C) MEMORANDUM OF UNDERSTANDING.—The memorandum of understanding referred to in subparagraph (B) shall contain, at a minimum, the following:
I. A description of sites and associated lands to be transferred to the Secretary of the Interior under paragraph (2).

II. An agreement specifying that the lands transferred to the Secretary under paragraphs (1) and (2) shall be preserved in a natural state and developed only to the extent necessary to enhance outdoor recreational opportunities.

III. An agreement specifying the terms and conditions of a plan for the management of the lands to be transferred under paragraphs (1) and (2).

IV. A provision requiring a review of the plan referred to in clause (iii) to be conducted every 10 years under which the State of Wisconsin, acting through the Kickapoo Valley Grazing Board, and the Ho-Chunk Nation may agree to revisions in the plan in order to address changed circumstances on the lands transferred to the Secretary under paragraph (2). Such provision may include a plan for the transfer by the State to the United States of any additional site discovered to be culturally and religiously significant to the Ho-Chunk Nation.

V. An agreement preventing or limiting the public disclosure of the location or existence of each site of particular cultural or religious significance to the Ho-Chunk Nation if public disclosure would jeopardize the cultural or religious integrity of the site.

VI. ADMINISTRATION OF LANDS.—The lands transferred to the Secretary of the Interior under paragraph (2), and any lands transferred to the Secretary under paragraphs (1) and (2) in substantially in accordance with plans referred to in subsection (a):

(a) GRAND PRAIRIE REGION AND BAYOU METO BASIN, ARKANSAS.—The project for flood control, Grand Prairie Region and Bayou Meto Basin, Arkansas, authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 174) and deauthorized pursuant to section 100(b) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)), is authorized to be carried out by the Secretary; except that the scope of the project includes ground water protection and conservation, agricultural water supply, and water management, and the Secretary determines that the change in the scope of the project is technically sound, environmentally acceptable, and economic, as applicable.

(b) WHITE RIVER, INDIANA.—The project for navigation, White River Navigation to Batesville, Arkansas, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4129) and deauthorized pursuant to section 12(b) of the Water Resources Development Act of 1988 (102 Stat. 4044), is authorized to be carried out by the Secretary.

(c) DES PLAINES RIVER, ILLINOIS.—The project for wetlands research, Des Plaines River, Illinois, authorized by section 45 of the Water Resources Development Act of 1986 (102 Stat. 4041) and deauthorized pursuant to section 100(b) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)), is authorized to be carried out by the Secretary.

(d) ALPENA HARBOR, MICHIGAN.—The project for navigation, Alpena Harbor, Michigan, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1090) and deauthorized pursuant to section 100(b) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)), is authorized to be carried out by the Secretary.

(e) ONTONAGON HARBOR, ONTONAGON COUNTY, MICHIGAN.—The navigation of the Ontonagon Harbor, Ontonagon County, Michigan, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1176) and deauthorized pursuant to section 100(b) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)), is authorized to be carried out by the Secretary.

(f) KNIFE RIVER HARBOR, MINNESOTA.—The project for navigation, Knife River Harbor, Minnesota, authorized by section 100 of the Water Resources Development Act of 1962 (84 Stat. 544) and deauthorized pursuant to section 100(b) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)), is authorized to be carried out by the Secretary.

(g) CLIFFWOOD BEACH, NEW JERSEY.—The project for hurricane-flood protection and beach erosion control on Raritan Bay and Sandy Hook Bay, New Jersey, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1181) and deauthorized pursuant to section 100(b) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)), is authorized to be carried out by the Secretary.

SEC. 364. PROJ ECT DEAUTHORIZATIONS.

The following projects are not authorized after the date of the enactment of this Act:

(A) ANCHORAGE AREA.—The portion of the project for navigation at Anchorage Area, in the State of Alaska, authorized by section 52(b) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)), is authorized to be carried out by the Secretary.

(B) SITE RESTORATION OF ABANDONED WELLS, FARM SITES, AND SAFETY MODIFICATIONS TO THE WATER CONTROL STRUCTURES.


II. PARTICIPATION BY STATE OF WISCONSIN AND THE HO-CHUNK NATION.—In undertaking completion of the features under paragraph (1), the Secretary shall consult with the State of Wisconsin and the Ho-Chunk Nation on the location of each feature.

III. FUNDING.—There is authorized to be appropriated to carry out this section $17,000,000.

IV. SEC. 362. TETON COUNTY, WYOMING.

Section 840 of the Water Resources Development Act of 1986 (100 Stat. 4176) is amended by striking "(1)" by striking "provided, That" and inserting "that"; and (2) by striking "in cash or materials" and inserting "that, in-kind services or cash or materials"; and (3) by adding at the end the following: "(ii) by striking the portion of the project for navigation, Bridgeport Harbor, Connecticut, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 297), consisting of 6 ft of land at the head of Johnsons River between the Federal channel and Hollisters Dam."

V. J. O. HAM PTON HARBOR, ONTONAGON COUNTY, MICHIGAN.—The portion of the project for navigation at Johnsons River Channel, Bridgeport Harbor, Connecticut, authorized by the 1st section of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 2, 1945 (59 Stat. 13), that consists of the 6-foot deep navigation channel and anchorage area with a depth of 6 ft of land at the head of Johnsons River between the Federal channel and Hollisters Dam.

VI. CONGRESSIONAL RECORD — HOUSE

H11178

September 25, 1996

B (B) Site restoration of abandoned wells, farm sites, and safety modifications to the water control structures.

IV. FUNDING.—There is authorized to be appropriated to carry out this section $17,000,000.

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(iii) The portions of the 6-foot deep East Norwalk Channel and Anchorage, authorized by section 2 of the Act entitled ‘‘An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes’’, approved August 30, 1935 (49 Stat. 1029):

(i) The 6-foot deep anchorages located at the head of the project.

(ii) The portions of the 9-foot deep channel beginning at a bend in the channel the coordinates of which are:

- The portion located in the 8-foot deep anchorage area beginning at coordinates N105577.24, E371645.88, running south 60 degrees, 41 minutes, 17.2 seconds east 484.51 feet to a point N105802.10, E371645.88, running north 29 degrees, 12 minutes, 53.3 seconds east 15.28 feet to a point N108338.33, E372075.82, thence running northerly 62 degrees, 29 minutes, 42.3 seconds west 484.73 feet to the point of beginning.

(12) CHELSEA RIVER, BOSTON HARBOR, MASSACHUSETTS.—The portion of the project for navigation, Boston Harbor, Massachusetts, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173), consisting of a 35-foot deep channel in the Chelsea River: Beginning at a point on the northern limit of the existing project at N505526.87, E724646.20, thence running southeasterly about 386.00 feet along the northern limit of the existing project to another point at N505537.12, E724617.51, thence running southerly about 100 feet to the point of beginning.

(13) CONGRESSIONAL RECORD—HOUSE

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(i) The portion commencing at a point north 199286.37 east 844394.81 a line running north 73 degrees 09 minutes 06.8 seconds west 40.27 feet to a point north 458011.76, east 844394.81 a line running north 52 degrees 12 minutes 49.7 seconds east 101.92 feet to a point; and

(ii) The portion located in the 8-foot deep anchorage area beginning at coordinates N105577.24, E371645.88, running south 60 degrees, 41 minutes, 17.2 seconds east 484.51 feet to a point N105802.10, E371645.88, running north 29 degrees, 12 minutes, 53.3 seconds east 15.28 feet to a point N108338.33, E372075.82, thence running northerly 62 degrees, 29 minutes, 42.3 seconds west 484.73 feet to the point of beginning.

(18) BOSTON HARBOR, MASSACHUSETTS.—The portion of the project for navigation, Boston Harbor, Massachusetts, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173), consisting of a 35-foot deep channel in the Chelsea River: Beginning at a point on the northern limit of the existing project N505526.87, E724646.20, thence running southeasterly about 386.00 feet along the northern limit of the existing project to another point at N505537.12, E724617.51, thence running southerly about 100 feet to the point of beginning.

(13) CONGRESSIANAL RECORD—HOUSE

H11179

September 25, 1996

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(ii) The portion located in the 8-foot deep anchorage area beginning at coordinates N105577.24, E371645.88, running south 60 degrees, 41 minutes, 17.2 seconds east 484.51 feet to a point N105802.10, E371645.88, running north 29 degrees, 12 minutes, 53.3 seconds east 15.28 feet to a point N108338.33, E372075.82, thence running northerly 62 degrees, 29 minutes, 42.3 seconds west 484.73 feet to the point of beginning.

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(ii) The portion located in the 8-foot deep anchorage area beginning at coordinates N105577.24, E371645.88, running south 60 degrees, 41 minutes, 17.2 seconds east 484.51 feet to a point N105802.10, E371645.88, running north 29 degrees, 12 minutes, 53.3 seconds east 15.28 feet to a point N108338.33, E372075.82, thence running northerly 62 degrees, 29 minutes, 42.3 seconds west 484.73 feet to the point of beginning.

(18) BOSTON HARBOR, MASSACHUSETTS.—The portion of the project for navigation, Boston Harbor, Massachusetts, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173), consisting of a 35-foot deep channel in the Chelsea River: Beginning at a point on the northern limit of the existing project N505526.87, E724646.20, thence running southeasterly about 386.00 feet along the northern limit of the existing project to another point at N505537.12, E724617.51, thence running southerly about 100 feet to the point of beginning.
"An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved September 19, 1890 (26 Stat. 433), that consists of a 7-foot deep channel that lies northerly of a line the coordinates of which are N255292.31, E713095.36, and N535334.51, E713138.01.

(18) COCHERO RIVER, NEW HAMPSHIRE.—The portion of the project for navigation, Cocher River, New Hampshire, authorized by the 1st section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved January 21, 1927 (44 Stat. 1014), that lies north of the northern boundary of Morris Street extended.

(399) "principal point of beginning".

"An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved August 30, 1935 (49 Stat. 1037), that is in the Osawegatchie River in Ogdensburg, New York, from the southernmost alignment of the Route 68 bridge upstream to the northernmost alignment of the Lake Street bridge.

(12) LORAIN SMALL BOAT BASIN, LAKE ERIE, OHIO.—The portion of the Federal navigation project, Lorain Small Boat Basin, Lake Erie, Ohio, authorized pursuant to section 107 of the River and Harbor Act of 1967 (53 U.S.C. 577) that is situated in the State of Ohio, County of Lorain, Township of Black River and is a part of Original Black River Township Lot Number 2, Tract Number 1, further known as being submerged lands of Lake Erie owned by the State of Ohio, and that is more definitely described as follows: Commencing at a drill hole found on the centerline of Lakeside Avenue (60 feet in width) at the intersection of the centerline of the East Shorearm of Lorain Harbor, that point being the "principal point of beginning".

"An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved May 26, 1910 (36 Stat. 467), that has as its principal point of beginning (N658109.73, E2089163.47) and containing within such bounds 2.81 acres, more or less, of submerged land.

(22) APPONAUG COVE, RHODE ISLAND.—The following portion of the project for navigation, Apponaug Cove, Rhode Island, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 480), consisting of the 6-foot deep channel: Beginning at a point N223348.31, E512799.54, thence running southeasterly to a point N223251.78, E512773.41, thus running southeasterly to a point N223178.00, E513046.00, thence running north-easterly to the point of beginning.

(24) PORT WASHINGTON HARBOR, WISCONSIN.—The following portion of the navigation project for Port Washington Harbor, Wisconsin, authorized by the 1st section of the Act entitled "An Act making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes", for the fiscal year ending June thirtieth, eighteen hundred and seventy-one, approved July 11, 1870 (16 Stat. 223): Beginning at the northernmost point of the project for navigation, Port Washington Harbor, Ozaukee County, Wisconsin, at coordinates N513529.68, E2535215.64, thence 188 degrees 58 minutes 59 seconds north 178.32 feet, thence 196 degrees 47 minutes 17 seconds east, a distance of 574.80 feet, thence 270 degrees 58 minutes 25 seconds east, a distance of 465.50 feet, thence 115 degrees 47 minutes 55 seconds, a distance of 130.05 feet, thence 87 degrees 17 minutes 05 seconds east, a distance of 510.22 feet, thence 104 degrees 58 minutes 31 seconds, a distance of 178.33 feet, thence 115 degrees 47 minutes 55 seconds east, a distance of 244.15 feet, thence 25 degrees 12 minutes 08 seconds, a distance of 310.00 feet, thence 294 degrees 46 minutes 50 seconds, a distance of 390.20 feet, thence 46 degrees 16 minutes 16 seconds, a distance of 570.90 feet, thence 266 degrees 01 minutes 25 seconds, a distance of 190.78 feet to Channel Pt. No. 36, the point of beginning.

SEC. 365. MISSISSIPPI DELTA REGION, LOUISIANA. The Mississippi Delta region project, Louisiana, is authorized as part of the project for hurricane- and flood-protection purposes in Southwestern Pennsylvania, credited to the Mississippi Delta region project, approved as part of the project for hurricane- and flood-protection purposes in Southwestern Pennsylvania, authorized by the Secretary to provide a credit to the State of Louisiana toward its non-Federal share of the cost of the project. The credit shall be for the cost incurred by the State in developing and relocating oyster beds to leave active and productive oyster beds in the Davis Pond project area. The credit shall be subject to such terms and conditions as the Secretary deems necessary and shall not exceed $75,000.00.

SEC. 587. MONGANAGHALE RIVER, PENNSYLVANIA. The Secretary may make available to the Southwestern Pennsylvania Growth Fund (a regional industrial development corporation) at no cost to the United States, any dredged and excavated materials resulting from construction of the new gated dam at Braddock, Pennsylvania, as part of the Locks and Dams 2, 3, and 4, Mononga River navigation project, to support environmental restoration of the former United States Steel Duquesne Works brownfield site—"An Act making appropriations for the Coastal and Estuarine Resources Protection Issues a "no further action" decision or a mitigation plan for the site.
prior to a determination by the District Engineer, Pittsburgh District, that the dredged and excavated materials are available; and
(2) if the Southwestern Pennsylvania Growth Fund Sponsor agrees to fund the project and save the United States free from damages in connection with use of the dredged and excavated materials, except for damages due to the fault or negligence of the United States or its contractors.

**TITLE IV—STUDIES**

SEC. 401. CORPS CAPABILITY STUDY, ALASKA.

Not later than 18 months after the date of the enactment of this Act, the Secretary shall report to Congress on the feasibility and capability of the Corps of Engineers to implement rural sanitation projects for rural and Native villages in Alaska.

SEC. 402. RED RIVER, ARKANSAS.

The Secretary shall—
(1) conduct a study to determine the feasibility of carrying out a project to permit navigation on the Red River in southwest Arkansas; and
(2) in conducting the study, analyze economic benefits that were not included in the limited economic analysis contained in the reconnaissance report for the project dated November 1995.

SEC. 403. MCDOWELL MOUNTAIN, ARIZONA.

The Secretary shall credit toward the non-Federal share of the cost of the feasibility study on the Mcdowell Mountain, Arizona, project an amount equal to the cost of work performed by the city of Scottsdale, Arizona, and accomplished prior to the city’s entering into an agreement with the Secretary if the Secretary determines that the work is necessary for the study.

SEC. 404. NOGALES WASH AND TRIBUTARIES, ARIZONA.

(a) STUDY.—The Secretary shall conduct a study of the relationship of flooding in Nogales, Arizona, and floodflows emanating from Mexico.

(b) REPORT.—The Secretary shall transmit to Congress a report on the results of the study conducted under subsection (a), together with recommendations concerning the appropriate level of non-Federal participation in the project for flood control, Nogales Wash and tributaries, Arizona, authorized by section 101(a)(4) of the Water Resources Development Act of 1990 (104 Stat. 4606).

SEC. 405. GARDEN GROVE, CALIFORNIA.

The Secretary shall conduct a study to assess the feasibility of implementing improvements in the regional flood control system within Garden Grove, California.

SEC. 406. MUGU LAGOON, CALIFORNIA.

(a) STUDY.—The Secretary shall conduct a study of the environmental impacts associated with sediment transport, floodflows, and upstream watershed land use practices on Mugu Lagoon, California. The study shall include an evaluation of alternatives for the restoration of the estuarine ecosystem functions and values associated with Mugu Lagoon and the endangered and threatened species inhabiting the area.

(b) CONSULTATION AND COORDINATION.—In conducting the study, the Secretary shall consult with the Secretary of the Navy and shall coordinate with State and local resource agencies to ensure that the study is compatible with restoration efforts for the Calleguas Creek watershed.

(c) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study or its contractors.

SEC. 407. MURRITZA CREEK, RIVERSIDE COUNTY, CALIFORNIA.

The Secretary shall review the completed feasibility study of the Upper Murritza Creek Flood Control and Water Conservation District, including identified alternatives, concerning Murritza Creek from Temecula to Wildomar, Riverside County, California, to determine the Federal interest in participating in a project for flood control.

SEC. 408. PINE FLAT DAM FISH AND WILDLIFE HABITAT RESTORATION, CALIFORNIA.

The Secretary shall study the advisability of fish and wildlife habitat improvement measures identified for further study by the Pine Flat Dam Fish and Wildlife Habitat Restoration Investigation Reconnaissance Report.

SEC. 409. SANTA CLARA RIVER, CALIFORNIA.

(a) PLANNING.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall prepare a comprehensive river basin management plan for the Santa Clara River watershed.

(b) REPORT.—The Secretary shall submit a report to Congress on the advisability and capability of flood control and water supply projects for flood control and water supply facilities as they existed in January 1996 as the “without project” condition.

SEC. 410. SOUTHERN CALIFORNIA INFRASTRUCTURE.

(a) ASSISTANCE.—Section 116(d)(1) of the Water Resources Development Act of 1990 (104 Stat. 4623) is amended—
(1) in the heading of paragraph (1) by inserting “and assistance” after “Study”; and
(2) by adding at the end the following: “In addition, the Secretary shall provide technical assistance to the Santa Barbara Flood Control District with respect to implementation of the plan to be prepared under subsection (a).

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 116(d)(3) of such Act is amended by striking “$1,500,000” and inserting “$3,000,000”.

SEC. 411. STOCKTON, CALIFORNIA.

(a) BEAR CREEK DRIFTAGE AND MORMON SLough/CALAVERAS RIVER.—The Secretary shall conduct a study of the Bear Creek Drainage, San Joaquin County, California, and the Mormon Slough/Calaveras River, California, projects for flood control authorized by section 101 of the Water Resources Development Act of 1995.

(b) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to the Santa Barbara Flood Control District and the South Coast Regional Flood Control District with respect to implementation of the plan to be prepared under subsection (a).

SEC. 412. YOLO BYPASS, SACRAMENTO-SAN JOAQUIN DELTA.

The Secretary shall study the advisability of acquiring land in the vicinity of the Yolo By-pass in the Sacramento-San Joaquin Delta, California, for the purpose of environmental mitigation for the flood control project for Sacramento, California, and other water resources projects in the area.

SEC. 413. WEST DADE, FLORIDA.

The Secretary shall conduct a reconnaissance study to determine the Federal interest in using the West Dade, Florida, reuse facility to improve water quality, and in increase the supply of surface water to, to the extent necessary to enhance fish and wildlife habitat.

SEC. 414. SAVANNAH RIVER BASIN COMPREHENSIVE WATER RESOURCES STUDY.

(a) IN GENERAL.—The Secretary shall conduct a comprehensive study to address the current and future needs for flood damage prevention and reduction, water supply, and other related water resources needs in the Savannah River Basin, including the West Dade, Florida, reuse facility to improve water quality in, and increase the supply of surface water to, the Savannah River Basin.

(b) SCOPE.—The scope of the study shall be limited to an analysis of water resources issues that fall within the traditional civil works mission of the Corps of Engineers.

(c) COORDINATION.—Notwithstanding subsection (b), the Secretary shall ensure that the study is coordinated with the Environmental Protection Agency and the ongoing watershed study of the Savannah River Basin by the Agency.

SEC. 415. CHAIN OF ROCKS CANAL, ILLINOIS.

The Secretary shall complete a limited re-evaluation of the authorized St. Louis Harbor Project in the vicinity of the Chain of Rocks Canal, Illinois, consistent with the authorized purposes of that project, to include evaluation of waters collecting on the land side of the Chain of Rocks Dam East levee.

SEC. 416. QUINCY, ILLINOIS.

(a) STUDY.—The Secretary shall study and evaluate the critical water infrastructure of the Fabius River Drainage District, the South Quincy Drainage and Levee District, the Sny Island Drainage and Levee District, and the city of Quincy, Illinois—
(1) to determine if additional flood protection needs of such infrastructure should be identified or implemented;
(2) to develop a definition of critical water infrastructure;
(3) to develop evaluation criteria; and
(4) to enhance existing geographic information system databases to encompass relevant data for the critical infrastructure for use in emergencies and in routine operation and maintenance activities.

(b) CONSIDERATION OF OTHER STUDIES.—In conducting the study under this section, the Secretary shall consider the recommendations of the Interagency Floodplain Management Committee Report, the findings of the Floodplain Management Assessment of the Upper Mississippi River and Lower Missouri Rivers and Tributaries, and other relevant studies and findings.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study, together with recommendations regarding each of the objectives of the study described in paragraphs (1) through (4) of subsection (a).

SEC. 417. SPRINGFIELD, ILLINOIS.

The Secretary shall provide assistance to the city of Springfield, Illinois, in developing—
(1) an environmental impact statement for the proposed development of a water supply reservoir, including the preparation of necessary documentation in support of the environmental impact statement; and
(2) a comprehensive study of the technical, economic, and environmental impacts of such development.
SEC. 418. BEAUTY CREEK WATERSHED, VALPARAISO CITY, PORTER COUNTY, INDIANA.

The Secretary shall conduct a study to assess the feasibility of implementing streambank erosion control measures and flood control measures within the Beauty Creek watershed, Valparaiso City, Porter County, Indiana.

SEC. 419. GRAND CALUMET RIVER, HAMMOND, INDIANA.

(a) STUDY.—The Secretary shall conduct a study to determine the methodology and capability to restore the wetlands at Wolf Lake and George Lake in Hammond, Indiana.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under subsection (a).

SEC. 420. INDIANA HARBOR CANAL, EAST CHICAGO, LAKE COUNTY, INDIANA.

The Secretary shall conduct a study of the feasibility of including environmental and recreational features, including a vegetation buffer, as part of the project for navigation, Indiana Harbor Canal, East Chicago, Lake County, Indiana, authorized by the 1st section of the Act entitled "An Act making appropriations for the Army Corps of Engineers for the fiscal year ending September 30, 1910" (36 Stat. 667).

SEC. 421. KOONTZ LAKE, INDIANA.

The Secretary shall conduct a study of the feasibility of implementing measures to restore Koontz Lake, Indiana, including measures to remove silt, sediment, nutrients, aquatic growth, and other noxious materials from Koontz Lake, measures to improve public access facilities to Koontz Lake, and measures to prevent or abate the deposit of sediments and nutrients in Koontz Lake.

SEC. 422. LITTLE CALUMET RIVER, INDIANA.

(a) STUDY.—The Secretary shall conduct a study of the impacts of the project for flood control, Little Calumet River, Indiana, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4115), on flooding and water quality in the vicinity of the Black Oak area of Gary, Indiana.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under subsection (a), together with recommendations for cost-effective remediation of impacts described in subsection (a).

(c) FEDERAL SHARE.—The Federal share of the cost of the study to be conducted under subsection (a) shall be 100 percent.

SEC. 423. TIPPECANOE RIVER WATERSHED, INDIANA.

(a) STUDY.—The Secretary shall conduct a study of water quality and environmental restoration needs in the Tippecanoe River watershed, Indiana, including measures necessary to reduce siltation in Lake Shafer and Lake Freeman.

(b) ASSISTANCE.—The Secretary shall provide technical, planning, and design assistance to the Shafer and Freeman Lakes Environmental Conservation Corporation in addressing potential environmental restoration activities determined appropriate as a result of the study conducted under subsection (a).

SEC. 424. CALCASIEU RIVER, HACKBERRY, LOUISIANA.

The Secretary shall incorporate the portion of the Calcasieu River in the vicinity of Hackberry, Louisiana, as part of the overall study of the Lake Charles and Hackberry bypass channel, bypassing the general anchorage area in Louisiana, to explore the possibility of constructing additional anchorage areas.

SEC. 425. MEXIKA, LOUISIANA, TO GULF OF MEXICO.

(a) STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study of the environmental, flood control, and navigational impacts associated with the construction of a lock structure in the Houma Navigation Canal at the site of the study conducted under subsection (a), together with recommendations for the overall flood damage prevention study being conducted under the Morgana, Louisiana, to the Gulf of Mexico feasibility study.

(2) CONDUCT OF STUDY.—Before conducting the study under paragraph (1), the Secretary shall—

(A) consult with the South Terrebonne Tide Water Management and Conservation District and consider the District's Preliminary Design Document dated February 1994; and

(B) evaluate the findings of the Louisiana Coastal Wetlands Conservation and Restoration Task Force, prepared under the Coastal Portlands Planning, Protection and Restoration Act (16 U.S.C. 3951 et seq), relating to the lock structure.

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under subsection (a), together with recommendations for immediate implementation of the study.

SEC. 426. HURON RIVER, MICHIGAN.

The Secretary shall conduct a study to determine the feasibility of implementing improvements and associated modifications for the purpose of providing a harbor of refuge at Huron River, Michigan.

SEC. 427. LOWER LAS VEGAS WASH, CLARK COUNTY, NEVADA.

The Secretary shall conduct a reconnaissance study to determine the Federal interest in chan- nel improvements in channel A of the North Las Vegas Wash in the city of North Las Vegas, Clark County, Nevada, for the purpose of flood control.

SEC. 428. LOWER LAS VEGAS WASH WETLANDS, CLARK COUNTY, NEVADA.

The Secretary shall conduct a reconnaissance study to determine the advisability of wetland restoration and flood control in the Lower Las Vegas Wash, Nevada.

SEC. 429. NORTHERN NEVADA.

The Secretary shall conduct reconnaissances studies, in the State of Nevada, of—

(1) the Humboldt River and its tributaries and outlets;

(2) the Truckee River and its tributaries and outlets; and

(3) the Carson River and its tributaries and outlets.

The Secretary shall conduct a study to determine the feasibility of implementing improvements in the lower portions of Charleston Harbor.

SEC. 430. SACO RIVER, NEW HAMPSHIRE.

The Secretary shall conduct a study to determine the need for and the feasibility of carrying out improvements for flood control.

SEC. 431. BUFFALO RIVER GREENWAY, NEW YORK.

The Secretary shall conduct a feasibility study to determine the feasibility of carrying out improvements for navigation along the Buffalo River between the park system of the city of Buffalo, New York, and Lake Erie. Such study may include preparation of an integrated development plan that takes into consideration the adjacent parks, national preserves, bikeways, and related recreational facilities.

SEC. 432. COEYMANS, NEW YORK.

The Secretary shall conduct a reconnaissance study to determine the Federal interest in reopening the secondary channel of the Hudson River in the town of Coeymans, New York, which has been narrowed by silt as a result of the construction of Coeymans Middle dike by the Corps of Engineers.

SEC. 433. PORT OF NEW YORK AND HARBOR STUDY.

Section 326(f) of the Water Resources Development Act of 1992 (106 Stat. 4851) is amended by striking "$1,000,000" and inserting "$3,000,000".

SEC. 434. PORT OF NEWBURGH, NEW YORK.

The Secretary shall conduct a study of the feasibility of carrying out improvements for navigation at the Port of Newburgh, New York.

SEC. 435. PORT OF NEWARK-NEW JERSEY NAVIGATION STUDY.

The Secretary shall conduct a comprehensive study of navigation needs at the Port of Newark New Jersey (including the New Jersey Marine and Red Hook Container Terminals, Staten Island, and adjacent areas) to address improvements, including deepening of existing channels to depths of 50 feet or greater, that are required to provide economically efficient and environmentally sound navigation to meet current and future requirements.

SEC. 436. SHINNECOCK INLET, NEW YORK.

Not later than 2 years after the date of the enactment of this Act, the Secretary shall conduct a reconnaissance study in Shinnecock Inlet, New York, to determine the need for and the feasibility of constructing a sand bypass system, or other appropriate alternative, for the purposes of allowing sand to flow in its natural east-to-west pattern and preventing the further erosion of the beach east of the inlet.

SEC. 437. CHAGRIN RIVER, OHIO.

The Secretary shall conduct a study of flood- ing problems along the Chagrin River in the vicinity of Cleveland, Ohio, and shall provide to the non-Federal interest an analysis of costs and repairs of the bulkhead system.

SEC. 438. CUYAHOGA RIVER, OHIO.

The Secretary shall conduct a study to evaluate the integrity of the bulkhead system located on the Chagrin channel along the Cuyahoga River in the vicinity of Cleveland, Ohio, and shall provide to the non-Federal interest an analysis of costs and repairs of the bulkhead system.

SEC. 439. COLUMBIA SLOUGH, OREGON.

Not later than 2 years after the date of the enactment of this Act, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall conduct a study for the purpose of determining the feasibility of carrying out improvements for the restoration project at Columbia Slough, Oregon.

SEC. 440. CHARLESTON, SOUTH CAROLINA.

The Secretary shall conduct a study of the Charleston estuary area located in Charleston, Berkeley, and Dorchester Counties, South Carolina, for the purpose of evaluating environmental conditions in the tidal reaches of the Ashley, Cooper, Stono, and Wando Rivers and the lower portions of Charleston Harbor.

SEC. 441. OAHU TO LAKE SHARPE, SOUTH DAKOTA.

The Secretary shall investigate potential solutions to the recurring flooding and related problems in the vicinity of Pierre and Fort Pierre, South Dakota, caused by sedimentation in Lake Sharpe. The potential solutions to be investigated shall include lowering of the lake level and sediment agitation to allow for resuspension and movement of the sediment. The investigation shall include the development of a comprehensive solution which includes consideration of structural and nonstructural measures upstream from the lake consisting of land treatment, sedimentation control structures, and other measures as the Secretary determines to be appropriate.

SEC. 442. MUSTANG ISLAND, CORPUS CHRISTI, TEXAS.

The Secretary shall conduct a study of navigation along the south-central coast of Texas.
near Corpus Christi for the purpose of determining the feasibility of constructing and maintaining the Packery Channel on the southern portion of Mustang Island.

SEC. 443. PRINCE WILLIAM COUNTY, VIRGINIA.

The Secretary shall conduct a study of flooding, erosion, and other water resources problems in Prince William County, Virginia, including an assessment of floodplain, erosion control, and flood damage reduction needs of the County.

SEC. 444. PACIFIC REGION.

The Secretary may conduct studies in the interest of navigation in that part of the Pacific region that includes American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

SEC. 445. FINANCING OF INFRASTRUCTURE NEEDS OF SMALL AND MEDIUM PORTS.

(a) Study.—The Secretary shall study the feasibility of alternative financing mechanisms for ensuring adequate funding for the infrastructure needs of small and medium ports.

(b) MECHANISMS TO BE STUDIED.—Mechanisms to be studied under subsection (a) shall include the establishment of revolving loan funds.

(c) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall transmit to Congress a report containing the results of the study conducted under subsection (a).

SEC. 446. EVALUATION OF BEACH MATERIAL.

(a) IN GENERAL.—The Secretary and the Secretary of the Interior shall evaluate procedures and requirements used in the selection and approval of materials to be used in the restoration and nourishment of beaches. Such evaluation shall address the potential effects of changing existing selection and approval requirements on the implementation of beach restoration and nourishment projects and on the aquatic environment.

(b) CONSULTATION.—In conducting the evaluation under subsection (a), the Secretary and the Secretary of the Interior shall consult with appropriate Federal and State agencies.

(c) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall transmit a report to Congress on their findings under this section.

(d) EFFECT ON AUTHORITY OF SECRETARY OF THE INTERIOR.—Nothing in this section is intended to affect the authority of the Secretary of the Interior under section 8(k) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(k)).

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. LAND CONVEYANCES.

(a) VILLAGE CREEK, ALABAMA.—

(1) IN GENERAL.—The land to be conveyed under paragraph (1) shall consist of approximately 18 acres for the purposes of constructing facilities associated with a flood control project.

(b) OAKLAND INNER HARBOR TIDAL CANAL PROPERTY, CALIFORNIA.—Section 205 of the Water Resources Development Act of 1990 (104 Stat. 4633) is amended—

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

"(3) To adjacent land owners, the United States title to all or portions of that part of the Oakland Inner Harbor Tidal Canal that are located within the boundaries of the city in which such canal runs, such conveyance shall be at fair market value;";

(2) by inserting after "right-of-way" the following:

"or other rights considered necessary by the Secretary; and"

(3) by adding at the end the following: "The conveyances and processes involved shall be at no cost to the United States;"

(c) MARIEMONT, OHIO.—

(1) IN GENERAL.—The Secretary shall convey to the village of Mariemont, Ohio, at fair market value all right, title, and interest of the United States in and to a parcel of land (including improvements to the parcel) under the jurisdiction of the Corps of Engineers, known as the "Ohio River Division Laboratory", and described in paragraph (4).

(2) TERMS AND CONDITIONS.—The conveyance under paragraph (1) shall be subject to such terms and conditions as the Secretary considers necessary and appropriate to protect the interests of the United States.

(3) PROCEEDS.—All proceeds from the conveyance under paragraph (1) shall be deposited in the general fund of the Treasury of the United States.

(d) PROPERTIES TO BE CONVEYED TO THE UNIVERSITY OF MICHIGAN.—The Secretary shall convey by quitclaim deed to the University of Michigan without consideration title to certain properties that will be retained in public ownership and be used for public park and recreation or other public purposes.

(e) PHILADELPHIA, PENNSYLVANIA.—

(1) IN GENERAL.—The Secretary shall convey to the City of Philadelphia, Pennsylvania, without consideration title to certain properties that will be retained in public ownership and be used for public park and recreation or other public purposes.

SEC. 502. CONSTRUCTION PROVISIONS.

(a) VILLAGE CREEK, ALABAMA.—

(1) IN GENERAL.—The Secretary shall construct a facility at the Eufaula Lake project.

(2) Terms and conditions.—The conveyance of certain properties to the State under this subsection shall be subject to such terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(b) OAKLAND INNER HARBOR TIDAL CANAL PROPERTY, CALIFORNIA.—Section 205 of the Water Resources Development Act of 1990 (104 Stat. 4633) is amended—

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

"(3) To adjacent land owners, the United States title to all or portions of that part of the Oakland Inner Harbor Tidal Canal that are located within the boundaries of the city in which such canal runs, such conveyance shall be at fair market value;";

(2) by inserting after "right-of-way" the following:

"or other rights considered necessary by the Secretary; and"

(3) by adding at the end the following: "The conveyances and processes involved shall be at no cost to the United States;"

(c) MARIEMONT, OHIO.—

(1) IN GENERAL.—The Secretary shall convey to the village of Mariemont, Ohio, at fair market value all right, title, and interest of the United States in and to a parcel of land (including improvements to the parcel) under the jurisdiction of the Corps of Engineers, known as the "Ohio River Division Laboratory", and described in paragraph (4).

(2) TERMS AND CONDITIONS.—The conveyance under paragraph (1) shall be subject to such terms and conditions as the Secretary considers necessary and appropriate to protect the interests of the United States.

(3) PROCEEDS.—All proceeds from the conveyance under paragraph (1) shall be deposited in the general fund of the Treasury of the United States.

(d) PROPERTIES TO BE CONVEYED TO THE UNIVERSITY OF MICHIGAN.—The Secretary shall convey by quitclaim deed to the University of Michigan without consideration title to certain properties that will be retained in public ownership and be used for public park and recreation or other public purposes.

(e) PHILADELPHIA, PENNSYLVANIA.—

(1) IN GENERAL.—The Secretary shall convey to the City of Philadelphia, Pennsylvania, without consideration title to certain properties that will be retained in public ownership and be used for public park and recreation or other public purposes.

SEC. 503. CONSIDERATION OF CERTAIN PROPERTIES.—

(a) STUDY.—The Secretary shall study the feasibility of constructing a facility at the Eufaula Lake project.

(b) TERMS AND CONDITIONS.—The conveyance of certain properties to the United States under this section shall be subject to such terms and conditions as the Secretary considers necessary and appropriate to protect the interests of the United States.

(c) LEGAL DESCRIPTION OF REAL PROPERTY AND PAYMENT OF COSTS.—The exact acreage and legal description of the real property described in paragraph (1) shall be determined by a survey that is satisfactory to the Secretary. The cost of the survey shall be borne by the City of Philadelphia. The city shall be responsible for any other costs associated with the conveyance authorized by this subsection.

SEC. 504. CONSIDERATION OF CERTAIN PROPERTIES.—

(a) STUDY.—The Secretary shall study the feasibility of constructing a facility at the Eufaula Lake project.

(b) TERMS AND CONDITIONS.—The conveyance of certain properties to the United States under this section shall be subject to such terms and conditions as the Secretary considers necessary and appropriate to protect the interests of the United States.

(c) LEGAL DESCRIPTION OF REAL PROPERTY AND PAYMENT OF COSTS.—The exact acreage and legal description of the real property described in paragraph (1) shall be determined by a survey that is satisfactory to the Secretary. The cost of the survey shall be borne by the City of Philadelphia. The city shall be responsible for any other costs associated with the conveyance authorized by this subsection.

(d) PROPERTIES TO BE CONVEYED TO THE UNIVERSITY OF MICHIGAN.—The Secretary shall convey by quitclaim deed to the University of Michigan without consideration title to certain properties that will be retained in public ownership and be used for public park and recreation or other public purposes.

(e) PHILADELPHIA, PENNSYLVANIA.—

(1) IN GENERAL.—The Secretary shall convey to the City of Philadelphia, Pennsylvania, without consideration title to certain properties that will be retained in public ownership and be used for public park and recreation or other public purposes.

SEC. 505. CONSTRUCTION PROVISIONS.

(a) VILLAGE CREEK, ALABAMA.—

(1) IN GENERAL.—The Secretary shall construct a facility at the Eufaula Lake project.

(2) Terms and conditions.—The conveyance of certain properties to the United States under this subsection shall be subject to such terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(b) OAKLAND INNER HARBOR TIDAL CANAL PROPERTY, CALIFORNIA.—Section 205 of the Water Resources Development Act of 1990 (104 Stat. 4633) is amended—

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

"(3) To adjacent land owners, the United States title to all or portions of that part of the Oakland Inner Harbor Tidal Canal that are located within the boundaries of the city in which such canal runs, such conveyance shall be at fair market value;";

(2) by inserting after "right-of-way" the following:

"or other rights considered necessary by the Secretary; and"

(3) by adding at the end the following: "The conveyances and processes involved shall be at no cost to the United States;"

(c) MARIEMONT, OHIO.—

(1) IN GENERAL.—The Secretary shall convey to the village of Mariemont, Ohio, at fair market value all right, title, and interest of the United States in and to a parcel of land (including improvements to the parcel) under the jurisdiction of the Corps of Engineers, known as the "Ohio River Division Laboratory", and described in paragraph (4).

(2) TERMS AND CONDITIONS.—The conveyance under paragraph (1) shall be subject to such terms and conditions as the Secretary considers necessary and appropriate to protect the interests of the United States.

(3) PROCEEDS.—All proceeds from the conveyance under paragraph (1) shall be deposited in the general fund of the Treasury of the United States.

(d) PROPERTIES TO BE CONVEYED TO THE UNIVERSITY OF MICHIGAN.—The Secretary shall convey by quitclaim deed to the University of Michigan without consideration title to certain properties that will be retained in public ownership and be used for public park and recreation or other public purposes.

(e) PHILADELPHIA, PENNSYLVANIA.—

(1) IN GENERAL.—The Secretary shall convey to the City of Philadelphia, Pennsylvania, without consideration title to certain properties that will be retained in public ownership and be used for public park and recreation or other public purposes.
situations to which the Secretary is no longer used for public park and recreation purposes, title to such property shall be conveyed only after Franklin County, Washington, has entered into a written agreement with the Secretary. Title to such property shall revert to the Secretary.

(C) SPECIAL RULE FOR CITY OF PASCO.—The property described in paragraph (2)(E)(ii) shall be conveyed only after the city of Pasco, Washington, has entered into a written agreement with the Secretary. Title to such property shall revert to the Secretary.

(D) ADDITIONAL PROPERTIES.—Properties to be conveyed under this subsection and not described in clause (i) shall be conveyed at fair market value.

(E) LAKE WALLULA LEVEES.—

(A) DETERMINATION OF MINIMUM SAFE HEIGHT.—

The Secretary shall convey all real property to be conveyed under this subsection to the city of Kennewick, Washington, and to a parcel of real property located at Longhorn Park, also known as "Pecan Valley Park", Benbrook Lake, Benbrook, Texas, containing not less than 50 acres.

(P) LAKE WALLULA LEVEES.—

(A) DETERMINATION OF MINIMUM SAFE HEIGHT.—

Not later than 30 days after the date of the enactment of this Act, the Secretary shall convey all real property to be conveyed under this subsection to the city of Kennewick, Washington, and to a parcel of real property located at Longhorn Park, also known as "Pecan Valley Park", Benbrook Lake, Benbrook, Texas, containing not less than 50 acres.

(B) AGREEMENT OF LOCAL OFFICIALS.—A contract shall be entered into under clause (i) only if the city of Kennewick, Washington, and the appropriate representatives of the county, has agreed to such agreement.

(C) APPlicability OF OTHER LAWS.—Any contract for sale, deed, or other transfer of real property to be conveyed under this subsection shall be in compliance with all applicable provisions of section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)) and other environmental laws.

SEC. 502. NAMINGS.

(A) MILITARY VISITORS CENTER, CALIFORNIA.—

(1) DESIGNATION.—The visitors center at Warm Springs Dam, California, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 77).
1192), shall be known and designated as the "Milt Brandt Visitors Center".

(2) LEGAL REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to a lock, or lock and dam, referred to in paragraph (1) shall be deemed to be a reference to the "Milt Brandt Visitors Center".

(b) CARR CREEK LAKE, KENTUCKY.—(1) DESIGNATION.—Carr Fork Lake in Knott County, Kentucky, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1188), shall be known and designated as "Carr Creek Lake".

(2) LEGAL REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the lock referred to in paragraph (1) shall be deemed to be a reference to "Carr Creek Lake".

(c) JOHN T. MYERS LOCK AND DAM, INDIANA AND KENTUCKY.—(1) DESIGNATION.—Uninton Lock and Dam, on the Ohio River, Indiana and Kentucky, shall be known and designated as the "John T. Myers Lock and Dam".

(2) LEGAL REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the lock and dam referred to in paragraph (1) shall be deemed to be a reference to the "John T. Myers Lock and Dam".

(d) J. EDWARD ROUSH LAKE, INDIANA.—(1) DESIGNATION.—The lake on the Wabash River in Huntington and Wells Counties, Indiana, authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 312), and known as Huntington Lake, shall be known and designated as the "J. Edward Roush Lake".

(2) LEGAL REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the lake referred to in paragraph (1) shall be deemed to be a reference to the "J. Edward Roush Lake".

(e) RUSSELL B. LONG LOCK AND DAM, RED RIVER WATERWAY, LOUISIANA.—(1) DESIGNATION.—Lock and Dam 4 of the Red River Waterway, Louisiana, shall be known and designated as the "Russell B. Long Lock and Dam".

(2) LEGAL REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the lock and dam referred to in paragraph (1) shall be deemed to be a reference to the "Russell B. Long Lock and Dam".

(f) LOCKS AND DAMS ON TENNESSEE-TOMBIGEE WATERWAY.—(1) DESIGNATIONS.—The following locks, and locks and dams, on the Tennessee-Tombigbee Waterway, located in the States of Alabama, Kentucky, Mississippi, and Tennessee, are designated as follows:

(A) Gainesville Lock and Dam at Mile 266 designated as Howell Helfin Lock and Dam.

(B) Columbus Lock and Dam at Mile 335 designated as John C. Stennis Lock and Dam.

(C) The lock and dam at Mile 358 designated as Aberdeen Lock and Dam.

(D) Lock A at Mile 371 designated as Amory Lock.

(E) Lock B at Mile 376 designated as Glover Wilkins Lock.

(F) Lock C at Mile 391 designated as Fulton Lock.

(G) Lock D at Mile 398 designated as John Rankin Lock.

(H) Lock E at Mile 407 designated as G.V. "Sonny" Montgomery Lock.

(I) Bay Springs Lock and Dam at Mile 412 designated as James Whitten Lock and Dam.

(2) LEGAL REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to a lock, or lock and dam, referred to in paragraph (1) shall be deemed to be a reference to the designation for the lock, or lock and dam, provided in such paragraph.

SEC. 503. WATERSHED MANAGEMENT, RESTORATION, AND DEVELOPMENT.

(a) IN GENERAL.—The Secretary may provide technical, planning, and design assistance to non-Federal interests for carrying out watershed management, restoration, and development projects at the locations described in subsection (d).

(b) SPECIFIC MEASURES.—Assistance provided under subsection (a) may be in support of non-Federal projects for the following purposes:

(1) Management and restoration of water quality.

(2) Control and remediation of toxic sediments.

(3) Restoration of degraded streams, rivers, wetlands, and other waterbodies to their natural condition as a means to control flooding, excessive erosion, and sedimentation.

(4) Protection and restoration of watersheds, including urban watersheds.

(5) Demonstration of technologies for non-structural measures to reduce destructive impacts of flooding.

(c) NON-FEDERAL SHARE.—The non-Federal share of the cost of assistance provided under subsection (a) shall be 50 percent.

(d) PROJECT LOCATIONS.—The Secretary may provide assistance under subsection (a) for projects at the following locations:

(1) Gila River and Tributaries, Santa Cruz River, Arizona.

(2) Rio Salado, Salt River, Phoenix and Tempe, Arizona.

(3) Colusa basin, California.

(4) Los Angeles River watershed, California.

(5) Napa Valley watershed, California.

(6) Russian River watershed, California.

(7) Sacramento River watershed, California.

(8) San Pablo Bay watershed, California.

(9) Santa Clara Valley watershed, California.

(10) Nancay Creek, Utoy Creek, and North Peachtree Creek and South Peachtree Creek basin, Georgia.

(11) Lower Platte River watershed, Nebraska.

(12) Juniata River watershed, Pennsylvania, including Raystown Lake.

(13) Upper Potomac River watershed, Grant and Mineral Counties, West Virginia.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000.

SEC. 504. ENVIRONMENTAL INFRASTRUCTURE.

Section 219 of the Water Resources Development Act of 1992 (106 Stat. 4836-4837) is amended by adding at the end the following:

"(e) AUTHORIZATION OF APPROPRIATIONS FOR CONSTRUCTION ASSISTANCE.—There are authorized to be appropriated for providing construction assistance under subsection (c) for Federal projects for the following purposes:

(1) $10,000,000 for the project described in subsection (c)(5); and

(2) $2,000,000 for the project described in subsection (c)(6); and

(3) $10,000,000 for the project described in subsection (c)(7); and

(4) $11,000,000 for the project described in subsection (c)(8); and

(5) $20,000,000 for the project described in subsection (c)(16); and

(6) $20,000,000 for the project described in subsection (c)(17)."

SEC. 505. CORPS CAPABILITY TO CONSERVE FISH AND WILDLIFE.

Section 704(b) of the Water Resources Development Act of 1966 (33 U.S.C. 2263(b); 100 Stat. 4157) is amended—

(1) by striking "and" at the end of paragraph (10); and

(2) by striking the period at the end of paragraph (11) and inserting a semicolon;

and

(3) by adding at the end the following:

"(12) Goodyear Lake, Otsego County, New York, removal of silt and aquatic growth;"

"(13) Otsego Lake, Otsego County, New York, removal of silt and aquatic growth and measures to address high nutrient concentration;"

"(14) Oneida Lake, Oneida County, New York, removal of silt and aquatic growth;"

"(15) Skaneateles and Owasco Lakes, New York, removal of silt and aquatic growth and prevention of sediment deposit; and"

"(16) Twin Lakes, Paris, Illinois, removal of silt and excess aquatic vegetation, including measures to address excessive sedimentation, high nutrient concentration, and shoreline erosion."
(a) In General.—Upon request of the non-Federal interest, the Secretary shall be responsible for making a determination, based on the evidence furnished by the non-Federal interest, that the channel was constructed in accordance with applicable permits and is environmentally and acceptably environmentally acceptable and that the channel was constructed in accordance with applicable permits and design standards.

(1) Humboldt Harbor and Bay, Fields Landing Channel, California.
(2) Mare Island Strait, California. For purposes of this subsection, the navigation channel shall be deemed to have been constructed or improved by non-Federal interests.
(3) East Fork, Calcasieu Pass, Louisiana.
(4) East/South River Ship Channel, Chalmette Slip, Louisiana.
(5) Greenville Inner Harbor Channel, Mississippi.
(6) New Madrid Harbor, Missouri. For purposes of this section, the navigation channel shall be deemed to have been constructed or improved by non-Federal interests.
(7) Providence Harbor Channel, Point Comfort Turning Basin, Texas.
(8) Corpus Christi Ship Channel, Rincón Canal System, Texas.
(9) Brazos Island Harbor, Texas, connecting channel to Mexico.

(b) Completion of Assessment.—Not later than 6 months after receipt of a request from a non-Federal interest for Federal assumption of maintenance of a channel listed in subsection (a), the Secretary shall make a determination as provided in subsection (a) and advise the non-Federal interest for Federal assumption of maintenance of the project by the non-Federal interest.

(1) Salton Sea, Imperial Valley, California.
(2) San Diego-Carlsbad Bays, San Diego, California.
(3) Imperial Beach Channel, Tijuana River, California.
(4) Agua Blanca, Mexico.
(6) Detroit River, Michigan.
(8) Welland Canal, Ontario, Canada.

SEC. 510. CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM.

(a) Establishment.—In general.—The Secretary shall establish a pilot program to provide environmental assistance to non-Federal interests in the Chesapeake Bay watershed.

(1) The assistance shall be in the form of design and construction assistance for water-related environmental infrastructure and restoration projects, and other projects that may enhance the living resources of the estuary.

(b) Public Ownership Requirement.—The Secretary may provide assistance for a project under this section only if the project is publicly owned, and will be publicly operated and maintained.

(c) Local Cooperation Agreement.—In general.—Before providing assistance under this subsection, the Secretary shall enter into a cooperative agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance of the Secretary.

(2) Requirements.—Each local cooperation agreement entered into under this subsection shall provide for—

(A) Assurances by the Secretary, in consultation with appropriate Federal, State, and local officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications and an estimate of expected resource benefits; and

(B) the establishment of such legal and institutional mechanisms as are necessary to ensure the effective long-term operation and maintenance of the project by the non-Federal interests.

(d) Cost Share.—Except as provided in paragraph (2)(B), the Federal share of the total project costs of each local cooperation agreement entered into under this section shall be 75 percent.

(e) Cooperation.—In carrying out this section, the Secretary shall cooperate with the heads of appropriate Federal agencies, including—

(1) the Administrator of the Environmental Protection Agency;
(2) the Secretary of Commerce, acting through the Naval Oceanographic and Atmospheric Administration;
(3) the Secretary of the Interior, acting through the Department of the Interior; and
(4) the heads of other Federal agencies and agencies of a State or political subdivision of a State as the Secretary determines to be appropriate.

(f) Project.—In carrying out this section, the Secretary shall establish at least 1 project under this section in each of the States of Maryland, Virginia, and Pennsylvania.

(g) Protection of Resources.—A project established under this section shall be carried out using such measures as are necessary to protect environmental, fish, and natural resources.

(h) Report.—Not later than December 31, 1998, the Secretary shall transmit to Congress a report on the program carried out under this section, together with a recommendation concerning whether or not the program should be implemented on a national basis.

(i) Authorization of Appropriations.—There is authorized to be appropriated $10,000,000 to carry out this section.

SEC. 511. RESEARCH AND DEVELOPMENT PROGRAM TO IMPROVE SALMON SURVIVAL.

(a) Salmon Survival Activities.—In general.—The Secretary shall accelerate ongoing research and development activities, and may carry out or participate in additional research and development activities, for the purpose of developing innovative methods and technologies to conserve capacity at salmon spawning and rearing areas, and other needs, and may carry out or participate in additional research and development activities, for the purpose of developing innovative methods and technologies to conserve capacity at salmon spawning and rearing areas.

(b) Marine mammal predation on salmon; (B) studies of juvenile salmon survival in spawning and rearing areas; (C) estuary and near-ocean juvenile and adult salmon survival; (D) impacts on salmon life cycles from sources other than water resources projects; and (E) other innovative technologies and actions intended to improve fish survival, including the survival of resident fish.

(c) Coordination.—The Secretary shall coordinate any activities carried out under this section with appropriate Federal, State, and local agencies, affected Indian tribes, and the Northwest Power Planning Council.

(d) Report.—Not later than 3 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the research and development activities carried out under this subsection, including any recommendations of the Secretary concerning the research and development activities.

(e) Authorization of Appropriations.—There is authorized to be appropriated $12,000,000 to carry out this subsection.

SEC. 512. COLUMBIA RIVER TREATY FISHING ACCESS.

(a) Establishment.—Pursuant to the responsibilities of the Secretary under section 123 of the River and Harbor Act of 1970 (33 U.S.C. 1293a), the Secretary shall conduct an assessment of the general conditions of confined disposal facilities in the Great Lakes.

(b) Report.—Not later than 3 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the assessment conducted under subsection (a), including the following:

(1) A description of the cumulative effects of confined disposal facilities in the Great Lakes.

(2) Recommendations for specific remediation actions for each confined disposal facility in the Great Lakes.
such facilities and to minimize adverse environmental effects at such facilities throughout the Great Lakes system.

**SEC. 314. GREAT LAKES DREDGED MATERIAL TESTING AND EVALUATION MANUAL.**

The Secretary, in cooperation with the Administrator of the Environmental Protection Agency, shall provide technical assistance to non-Federal entities that may rely on dredged material test results contained in the Great Lakes Dredged Material Testing and Evaluation Manual published pursuant to section 230.2(c) of title 40, Code of Federal Regulations.

**SEC. 315. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION.**

Section 401 of the Water Resources Development Act of 1996 (110 Stat. 3844) is amended to read as follows:

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SEC. 401. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION.

(a) GREAT LAKES REMEDIAL ACTION PLANS.—

(1) IN GENERAL.—The Secretary may provide technical, planning, and engineering assistance to State and local governments and nongovernmental entities designated by a State or local government in the development and implementation of plans for Areas of Concern in the Great Lakes identified under the Great Lakes Water Quality Agreement of 1978.

(2) NON-FEDERAL SHARE.—Non-Federal interests shall contribute, in cash or by providing in-kind contributions, 50 percent of costs of activities for which assistance is provided under paragraph (1).

(b) SEDIMENT REMEDIATION PROJECTS.—

(1) IN GENERAL.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency (acting through the Great Lakes National Program Office), may conduct pilot- and full-scale projects of promising technologies to remediate contaminated sediments in the Great Lakes basin. The Secretary shall conduct not fewer than 3 full-scale projects under this subsection.

(2) SITE SELECTION FOR PROJECTS.—In selecting the sites for the technology projects, the Secretary shall give priority consideration to Saginaw Bay, Michigan; Sheboygan Harbor, Wisconsin; Grand Calumet River, Indiana; Ash tabula River, Ohio; Buffalo River, New York, and Duluth-Superior Harbor, Minnesota and Wisconsin.

(c) DEADLINE FOR IDENTIFICATIONS.—The Secretary shall—

(A) not later than 18 months after the date of the enactment of this paragraph, identify the sites selected under subsections (a) and (b) for full-scale projects; and

(B) not later than 3 years after that date, complete each full-scale project.

(d) NON-FEDERAL SHARE.—Non-Federal interests shall contribute 50 percent of the costs of projects under this subsection. Such costs may be paid in cash or by providing in-kind contributions.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $5,000,000 for each of fiscal years 1998 through 2003.

**SEC. 316. SEDIMENT MANAGEMENT.**

(a) IN GENERAL.—The Secretary may enter into cooperation agreements with non-Federal entities with respect to navigation projects, or other appropriate non-Federal entities, for the development of long-term management strategies for controlling sediments at such projects.

(b) CONTENTS OF STRATEGIES.—Each strategy developed under subsection (a) shall—

(1) include assessments of sediment rates and compaction and reduction options, dredging practices, long-term management of any dredged material disposal facilities, remediation of such facilities, and alternative disposal and reuse options; and

(2) include a timetable for implementation of the strategy; and

(3) incorporate relevant ongoing planning efforts, including remedial action planning, dredged material management planning, harbor and waterfront development planning, and watershed management planning.

(c) CONSULTATION.—In developing strategies under subsection (a), the Secretary shall consult with interested Federal agencies, States, and Indian tribes and provide an opportunity for public comment.

(d) DREDGED MATERIAL DISPOSAL.—

(1) STUDY.—The Secretary shall conduct a study to determine the costs of constructing and operating an underwater confined dredged material disposal site in the Port of New York-New Jersey that could accommodate as much as 220 cubic miles of sediments for the purpose of demonstrating the feasibility of an underwater confined disposal pit as an environmentally suitable method of containing certain sediments.

(2) REPORT.—The Secretary shall transmit to Congress a report on the results of the study conducted under paragraph (1), together with any recommendations of the Secretary that may be developed in a strategy under subsection (a).

(e) GREAT LAKES TRIBUTARY MODEL.—

(1) CONSTRUCTION AND COORDINATION.—In consultation and coordination with the Great Lakes States, the Secretary shall construct and operate a tributary sediment transport model for each major river system or set of major river tributaries identified in the Great Lakes federally authorized commercial harbor, channel maintenance project site, or Area of Concern identified under the Great Lakes Water Quality Agreement of 1978. Such model may be developed as a part of a strategy developed under subsection (a).

(2) REQUIREMENTS FOR MODELS.—In developing a tributary sediment transport model under this subsection, the Secretary shall build on data and monitoring information generated in earlier studies and programs of the Great Lakes and their tributary systems.

(f) GREAT LAKES STATES DEFINED.—In this section, the term "Great Lakes States" means the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for the expenses of this section $3,000,000.

**SEC. 515. GREAT LAKES REMEDIAL ACTION PLANS.**

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SEC. 515. GREAT LAKES REMEDIAL ACTION PLANS.

(a) IN GENERAL.—The Secretary may enter into cooperation agreements with non-Federal entities, for the interests with respect to navigation projects, or into cooperation agreements with non-Federal entities into cooperation agreements with non-Federal entities for the implementation of any recommendations of the Secretary that may be developed in a strategy under subsection (a).

(b) CONTENTS OF STRATEGIES.—Each strategy developed under subsection (a) shall—

(1) include assessments of sediment rates and compaction and reduction options, dredging practices, long-term management of any dredged material disposal facilities, remediation of such facilities, and alternative disposal and reuse options; and

(2) include a timetable for implementation of the strategy; and

(3) incorporate relevant ongoing planning efforts, including remedial action planning, dredged material management planning, harbor and waterfront development planning, and watershed management planning.

**SEC. 517. EXTENSION OF JURISDICTION OF MISSISSIPPI RIVER.**

The jurisdiction of the Mississippi River Commission Act of 1992 (106 Stat. 4836±4837) is amended by adding at the end the following:

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    (f) GRANTING JURISDICTION OF THE MISSISSIPPI RIVER. ÐThe jurisdiction of the Mississippi River Commission, established by the 1st section of the Act of June 28, 1879 (33 U.S.C. 641; 21 Stat. 37), is extended to include—

    (1) all of the area between the eastern side of the Bayou Lafourche River from Donaldsonville, Louisiana, to the Gulf of Mexico and the west guide levee of the Mississippi River from Donaldsonville, Louisiana, to the Gulf of Mexico.

    (2) Alexander County, Illinois; and

    (3) the area in the State of Illinois from the confluence of the Ohio and Mississippi Rivers northward to the vicinity of Mississippi River mile 39.5, including the Len Small Drainage and Levee District, insofar as such area is affected by the flood waters of the Mississippi River.

**SEC. 518. SENSE OF CONGRESS REGARDING ST. LAWRENCE SEAWAY TOLLS.**

The sense of Congress is that the President should engage in negotiations with the Government of Canada for the purpose of—

(1) eliminating tolls along the St. Lawrence Seaway system; and

(2) identifying ways to maximize the movement of goods and commerce through the St. Lawrence Seaway.

**SEC. 519. RECREATION PARTNERSHIP INITIATIVE.**

(a) IN GENERAL.—The Secretary shall promote a Federal-State partnership to develop a land management strategy for the operation in creating public recreation opportunities and developing the necessary supporting infrastructure at water resources projects of the Corps of Engineers.

(b) INFRASTRUCTURE IMPROVEMENTS.—

(1) RECREATION INFRASTRUCTURE IMPROVEMENTS.—In determining the feasibility of the public-private cooperative under subsection (a), the Secretary shall provide such infrastructure improvements as are necessary to a potential private recreational development at the Raystown Lake Project, Pennsylvania, generally in accordance with the Master Plan Update (1994) for the project.

(2) AGREEMENT.—The Secretary shall enter into an agreement with an appropriate non-Federal public entity to ensure that the infrastructure improvements described under paragraph (1) are transferred to and operated and maintained by the non-Federal public entity.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $3,000,000.

**SEC. 520. FIELD OFFICE HEADQUARTERS FACILITIES.**

Subject to amounts being made available in advance of appropriation by the Secretary, the Secretary may use Plant Replacement and Improvement Program funds to design and construct new headquarters facilities for—

(1) the New England Division, Waltham, Massachusetts; and

(2) the Jacksonville District, Jacksonville, Florida.

**SEC. 521. EARTHQUAKE PREPAREDNESS CENTER OF EXPERTISE EXPANSION.**

Using existing resources, the Secretary shall expand the Earthquake Preparedness Center of Expertise at the University of California by adding the following: College and related facilities, remediation of point and nonpoint sources of pollution and contaminated riverbed sediments, and related activities in Jackson County, Alabama, including the city of Florence.

**SEC. 522. JACKSON COUNTY, ALABAMA.**

(a) IN GENERAL.—The Secretary may provide technical, planning, and design assistance to non-Federal interests for wastewater treatment and related facilities, remediation of point and nonpoint sources of pollution and contaminated riverbed sediments, and related activities in Jackson County, Alabama, including the city of Florence.

(b) COST SHARING.—The Federal cost of assistance provided under this section may not exceed $2,000,000. The non-Federal share of assistance under this section.

**SEC. 523. BENTON AND WASHINGTON COUNTIES, ARKANSAS.**

Section 220 of the Water Resources Development Act of 1992 (106 Stat. 4836±4837) is amended by adding at the end the following:

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    (c) USE OF FEDERAL FUNDS.—The Secretary may make available to the non-Federal interests funds not to exceed an amount equal to the Federal share of the total project cost by the non-Federal interests to undertake the work described hereunder.

**SEC. 524. HEBER SPRINGS, ARKANSAS.**

(a) IN GENERAL.—The Secretary shall enter into an agreement with the city of HEBER SPRINGS, Arkansas, to provide 3,522 acre-feet of water supply storage in Greers Ferry Lake, Arkansas, for municipal and industrial purposes, at no cost to the city.

**SEC. 525. NEEDED FACILITIES.**

The city of HEBER SPRINGS shall be responsible for 100 percent of the costs of construction, operation, and maintenance of any intake, transmission, treatment, or distribution facility necessary for utilization of the water supply.

**SEC. 526. ADDITIONAL WATER SUPPLY STORAGE.**

Any additional water supply storage required after the date of the enactment of this Act shall be contracted for and reimbursed by the city of HEBER SPRINGS, Arkansas.
SEC. 525. MORGAN POINT, ARKANSAS.

The Secretary shall accept as in-kind contributions for the project for creation of fish and wildlife habitat at Morgan Point, Arkansas, as fish and wildlife facilities and land in the Morgan Point Bendway Closure Structure modification report for the project, dated February 1994, and (2) any other changes caused by the non-Federal interests for the project; if the Secretary determines that the items and activities are compatible with the project.

SEC. 526. CALAVERAS COUNTY, CALIFORNIA.

(a) ESTABLISHMENT.—The Secretary may provide technical assistance to non-Federal interests, in cooperation with Federal and State agencies, for reclamation and water quality protection projects that are consistent with the purpose of acquiring and mitigating surface water quality degradation caused by abandoned mines in the watershed of the lower Mokelumo River in Calaveras County, California.

(b) CONSULTATION WITH FEDERAL ENTITIES.—Any project under subsection (a) that is located on lands owned by the United States shall be undertaken in consultation with the Federal entity with administrative jurisdiction over such lands.

(c) FEDERAL SHARE.—The Federal share of the cost of the activities conducted under subsection (a) shall be 100 percent; except that, with respect to projects located on lands owned by the United States, the Federal share shall be 100 percent.

(d) EFFECT ON AUTHORITY OF SECRETARY OF THE INTERIOR.—Nothing in this section is intended to affect the authority of the Secretary of the Interior under title IV of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231 et seq.).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $1,500,000.

SEC. 527. FAULKNER ISLAND, CONNECTICUT.

In consultation with the Director of the United States Fish and Wildlife Service, the Secretary shall design and construct shoreline protection measures for the coastline adjacent to the Faulkner Island Lighthouse, Connecticut, at a total cost of $4,500,000.

SEC. 528. EVERGLADES AND SOUTH FLORIDA ECOSYSTEM RESTORATION.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) CENTRAL AND SOUTHERN FLORIDA PROJECT.—The term "Central and Southern Florida Project" means the project for Central and Southern Florida authorized under the heading "CENTRAL AND SOUTHERN FLORIDA" in section 203 of the Flood Control Act of 1948 (62 Stat. 1176), and any modification to the project authorized by law.

(2) COMMISSION.—The term "Commission" means the Governor's Commission for a Sustainable South Florida, established by Executive Order of the Governor dated March 3, 1994.

(3) GOVERNOR.—The term "Governor" means the Governor of the State of Florida.

(4) SOUTH FLORIDA ECOSYSTEM.—The term "South Florida ecosystem" means the South Florida ecosystem and the contiguous nearshore coastal waters of South Florida.

(5) TASK FORCE.—The term 'Task Force' means the South Florida Ecosystem Restoration Task Force established by subsection (f).

(b) RESTORATION ACTIVITIES.—

(1) COMPREHENSIVE PLAN.—

(A) DEVELOPMENT.—

(i) An authorized Task Force shall develop, as expeditiously as practicable, a proposed comprehensive plan for the purpose of restoring, preserving, and protecting the South Florida ecosystem in accordance with an extensive plan that will provide for the protection of water quality and, the reduction of the loss of fresh water from, the Everglades. The comprehensive plan shall include such features as are necessary to provide for the water-related needs of the region, including flood control, the enhancement of water supplies, and other objectives served by the Central and Southern Florida Project.

(ii) CONSIDERATION.—The comprehensive plan shall:

(1) be developed by the Secretary in cooperation with the non-Federal project sponsor and in consultation with the Task Force;

(2) consider the conceptual framework specified in the report entitled "Conceptual Plan for the Central and Southern Florida Project Review", published by the Commission and approved by the Governor.

(B) SUBMISSION.—Not later than July 1, 1999, the Secretary shall:

(i) conduct a feasibility phase of the Central and Southern Florida Project comprehensive review study as authorized by section 309(i) of the Water Resources Development Act of 1992 (106 Stat. 4844), and by 2 resolutions of the Committee on Public Works and Transportation of the House of Representatives, dated September 24, 1992; and

(ii) submit to Congress the plan developed under subparagraph (A) consisting of a feasibility report and a programmatic environmental impact statement covering the proposed Federal action.

(C) ADDITIONAL STUDIES AND ANALYSES.—Notwithstanding the completion of the feasibility report under subparagraph (B), the Secretary shall conduct additional studies and analyses as are necessary, consistent with subparagraph (A)(ii).

(2) USE OF EXISTING AUTHORITY FOR UNCONSTRUCTED PROJECT FEATURES.—The Secretary shall design and construct any features of the Central and Southern Florida Project that are authorized on the date of the enactment of this Act or that may be implemented in accordance with the authority, relating to participation in restoration activities in the South Florida ecosystem, including the projects and activities specified in paragraph (1), by—

(i) the Department of the Interior;

(ii) the Department of Commerce;

(iii) the Department of Agriculture;

(iv) the Environmental Protection Agency;

(v) the Department of the Army;

(vi) the Department of the Interior; and

(vii) the South Florida Water Management District.

(D) the Everglades Construction Project of the

(E) PUBLIC PARTICIPATION.—In developing the comprehensive plan under paragraph (1) and any report required under subsection (c), the Secretary shall provide for public review and comment on the activities in accordance with applicable Federal law.

(F) INTEGRATION OF OTHER ACTIVITIES.—

(1) IN GENERAL.—In carrying out activities described in subsection (b), the Secretary shall integrate such activities with ongoing Federal and State projects and activities, including—

(A) the project for the ecosystem restoration of the Kissimmee River, Florida, authorized by section 101 of the Water Resources Development Act of 1992 (106 Stat. 4802);

(B) the project for modifications to improve water deliveries into Everglades National Park authorized by section 203 of the National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r-8);

(C) activities under the Florida Keys National Marine Sanctuary and Protection Act (16 U.S.C. 1433 note; 104 Stat. 3089); and

(D) the Everglades Construction Project of the State of Florida.

(2) STATUTORY CONSTRUCTION.—

(A) EXISTING AUTHORITY.—Except as otherwise expressly provided in this section, nothing in this section affects any authority in effect on the date of the enactment of this Act, or any requirement of the authority, relating to participation in restoration activities in the South Florida ecosystem, including the projects and activities specified in paragraph (1), by—

(i) the Department of the Interior;

(ii) the Department of Commerce;

(iii) the Department of Agriculture;

(iv) the Environmental Protection Agency;

(v) the Department of the Army;

(vi) the State of Florida; and

(vii) the South Florida Water Management District.

(B) NEW AUTHORITY.—Nothing in this section confers any new regulatory authority on any Federal or non-Federal entity that carries out any activity authorized by this section.

(C) JUDICIAL REVIEW.—

(1) IN GENERAL.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962-2) or any other provision of law, in carrying out the activities to restore, preserve, and protect the South Florida ecosystem described in subsection (b), the Secretary may determine that the activities—

(A) are justified by the environmental benefits derived from the South Florida ecosystem in general and the Everglades and Florida Bay in particular; and

(B) shall not need further economic justification; if the Secretary determines that the activities are cost-effective.

(D) APPLICABILITY.—Paragraph (1) shall not apply to any separable element intended to produce benefits that are predominantly unrelated to the restoration, preservation, and protection of the South Florida ecosystem.

(e) COST SHARING.—

(1) IN GENERAL.—Except as provided in sections 315 and 316 of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the Federal share of the cost of carrying out activities described in this subsection and sections 315 and 316, the Secretary—

(i) shall take into account the protection of water quality by considering applicable State water quality standards; and

(ii) may include in projects such features as are necessary to provide water to restore, preserve, and protect the South Florida ecosystem.

(B) COMPLIANCE WITH APPLICABLE LAW.—In carrying out the activities described in this subsection, the activities shall comply with any applicable Federal law, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(C) PUBLIC PARTICIPATION.—In developing the comprehensive plan under paragraph (1) and any report required under subsection (c), the Secretary shall provide for public review and comment on the activities in accordance with applicable Federal law.

(f) INTEGRATION OF OTHER ACTIVITIES.—

(1) IN GENERAL.—In carrying out activities described in subsection (b), the Secretary shall integrate such activities with ongoing Federal and State projects and activities, including—

(A) the project for the ecosystem restoration of the Kissimmee River, Florida, authorized by section 101 of the Water Resources Development Act of 1992 (106 Stat. 4802);

(B) the project for modifications to improve water deliveries into Everglades National Park authorized by section 203 of the National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r-8);

(C) activities under the Florida Keys National Marine Sanctuary and Protection Act (16 U.S.C. 1433 note; 104 Stat. 3089); and

(D) the Everglades Construction Project of the State of Florida.
cost of project features to improve water quality described in subsection (b) shall be 100 percent. 

(B) EXCEPTION.—

(i) IN GENERAL.—Subject to clause (ii), if the Secretary determines that a project feature to improve water quality is essential to Everglades restoration, the non-Federal share of the cost of the feature shall be 75 percent. 

(ii) ILLUSTRATIVE EXAMPLES.—Clause (i) shall apply to any feature of the Everglades Restoration Project of the State of Florida.

(3) OPERATION AND MAINTENANCE.—The operation and maintenance of projects carried out under this section shall be a non-Federal responsibility.

(A) CREDIT.—Regardless of the date of acquisition, the value of lands or interests in land acquired by non-Federal interests for any activity described in subsection (b) shall be included in the total cost of the activity and credited against the non-Federal share of the cost of the activity. Such value shall be determined by the Secretary.

(B) SOUTH FLORIDA ECOSYSTEM RESTORATION TASK FORCE.—

(I) ESTABLISHMENT AND MEMBERSHIP.—There is established the South Florida Ecosystem Restoration Task Force, which shall consist of the following members (or, in the case of a Federal agency, a designee at the level of assistant secretary or an equivalent level):

(A) The Secretary of the Interior, who shall serve as chairperson.

(B) The Secretary of Commerce.

(C) The Attorney General.

(D) The Administrator of the Environmental Protection Agency.

(E) The Secretary of Agriculture.

(F) The Secretary of Transportation.

(G) The Secretary of the Interior.

(H) 1 representative of the Miccosukee Tribe of Indians of Florida, to be appointed by the Secretary of the Interior based on the recommendations of the tribal chairman.

(I) 1 representative of the Seminole Tribe of Florida, to be appointed by the Secretary of the Interior based on the recommendations of the tribal chairman.

(J) 2 representatives of the State of Florida, to be appointed by the Secretary of the Interior based on the recommendations of the Governor.

(K) 1 representative of the South Florida Water Management District, to be appointed by the Secretary of the Interior based on the recommendations of the Governor.

(L) 2 representatives of local government in the State of Florida, to be appointed by the Secretary of the Interior based on the recommendations of the Governor.

(II) DUTIES OF TASK FORCE.—The Task Force—

(A) shall consult with, and provide recommendations to, the Secretary during development of the comprehensive plan under subsection (b); 

(B) shall coordinate the development of consistent policies, strategies, plans, programs, projects, activities, and priorities for addressing the restoration, preservation, and protection of the South Florida ecosystem; 

(C) shall exchange information regarding programs, projects, and activities of the agencies and entities represented on the Task Force to promote ecosystem restoration and maintenance; 

(D) shall establish a Florida-based working group which shall include representatives of the agencies and entities represented on the Task Force as well as other governmental entities as appropriate for the purpose of formulating, recommending, coordinating, and implementing the policies, programs, projects, activities, and priorities of the Task Force; 

(E) may, and the working group described in subparagraph (D) may,

(i) establish such advisory bodies as are necessary to assist the Task Force in its duties, including public policy and scientific issues; and

(ii)lasails the task of and provides technical, planning, and design assistance to the Everglades Restoration Task Force, including the Everglades National Park, and other related tributaries in Indiana.

(B) CONTENTS.—The plan to be developed by the Secretary under this subsection shall address the specific concerns related to the Deep River Basin, including—

(1) sediment flow into Deep River, Turkey Creek, and other tributaries; 

(2) control of sediment quality in Lake George; 

(3) flooding problems; 

(4) the safety of Lake George Dam; and

(5) watershed management.

SEC. 331. SOUTHERN AND EASTERN KENTUCKY.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program for providing environmental assistance to non-Federal interests in southern and eastern Kentucky.

(b) FORM OF ASSISTANCE.—Assistance under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resources protection and development projects in southern and eastern Kentucky, including projects for water treatment and related facilities, surface water supply and related facilities, and surface water resources protection and development.

(c) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(d) PROJECT COOPERATION AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a project cooperation agreement with a non-Federal interest to provide for design and construction of the project to be carried out with such assistance.

(2) REQUIREMENTS.—Each agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities development plan or resource protection plan, including appropriate plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—Total project costs under each agreement entered into under this subsection shall be shared at 75 percent Federal and 25 percent non-Federal. The Federal share may be in the form of grants or reimbursements of project costs.

(B) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit for the reasonable costs of design work completed by such interest before entering into the agreement with the Secretary.

(C) CREDIT FOR CERTAIN FINANCING COSTS.—In the event of a delay in the reimbursement of the non-Federal share of a project, the non-Federal interest shall receive credit for reasonable interest on other associated development costs necessary for such non-Federal interest to provide the non-Federal share of the project’s cost.

(D) LANDS, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for lands, easements, rights-of-way, and relocations provided by the non-Federal interest toward its share of project costs (including costs associated with obtaining permits necessary for placement of such project on publicly owned or controlled lands), but not to exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed under an agreement entered into under this subsection shall be 100 percent.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section shall be construed as waiving, limiting, or otherwise affecting the applicability of other Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

3. AGLUTINATE. —Not later than December 31, 1999, the Secretary shall transmit to Congress a report on the results of the program carried out.
under this section, together with recommendations concerning whether or not such program should be implemented on a national basis.

(g) SOUTHERN AND EASTERN KENTUCKY DEFINED. - The term "southern and eastern Kentucky" means Morgan, Floyd, Letcher, Lawrence, Knott, Bell, McCreary, Rockcastle, Whitley, Lee, and Letcher Counties, Kentucky.

(b) FUNDING. - There is authorized to be appropriated to carry out this section $35,000,000.

SEC. 532. COASTAL WETLANDS RESTORATION PROJECTS FOR SOUTHEAST LOUISIANA.

Section 303(f) of the Coastal Wetlands Planning, Protection and Restoration Act (16 U.S.C. 3952(f); 104 Stat. 4782-4783) is amended—

(1) in paragraph (4) by striking "(3), and (5)" and inserting "(3), (4), and (5)"; and

(2) by adding at the end the following:

"(5) FEDERAL SHARE IN CALENDAR YEARS 1996 AND 1997.—Notwithstanding paragraphs (1) and (2), upon approval of the conservation plan under section 306 and a determination by the Secretary that a reduction in the non-Federal share is warranted, amounts made available in accordance with section 306 to carry out coastal wetlands restoration projects under this section in calendar years 1996 and 1997 shall provide 90 percent of the cost of such projects.

SEC. 533. SOUTHEAST LOUISIANA.

(a) FLOOD CONTROL.—The Secretary shall proceed with engineering, design, and construction of flood control works and improvements to rainfall drainage systems in Jefferson, Orleans, and St. Tammany Parishes, Louisiana, in accordance with the following reports:

(A) the North Branch of the Potomac River, West Virginia, watershed.

(B) the New River, West Virginia, watershed.

(c) COORDINATION.—The Secretary may provide technical, planning, and design assistance to State, local, and other Federal entities for the restoration of the Mississippi River, at an estimated Federal cost of $450,000.

SEC. 534. ASSATEAGUE ISLAND, MARYLAND AND VIRGINIA.

(a) PROJECT TO MITIGATE SHORE DAMAGE.—The Secretary shall expend the Assateague Island land restoration feature of the Ocean City, Maryland, and vicinity study and, if the Secretary determines that the Federal share for the project has contributed to degradation of the shoreline, the Secretary shall carry out the shoreline restoration feature. The Secretary shall allocate costs of the project pursuant to section 422 of the River and Harbor Act of 1968 (33 U.S.C. 426; 82 Stat. 735).

(b) COORDINATION.—In carrying out the projects, the Secretary shall coordinate with affected Federal and State agencies and shall enter into an agreement with the Federal property owner to determine the allocation of costs.

(c) FUNDING.—There is authorized to be appropriated to carry out this section $35,000,000.

SEC. 535. CUMBERLAND, MARYLAND.

The Secretary may provide technical, planning, and design assistance to State, local, and other Federal entities for the restoration of the Chesapeake and Ohio Canal, in the vicinity of Cumberland, Maryland.

SEC. 536. WILLIAM J. EJNNINGS RANDOLPH ACCESS ROAD, GARRETT COUNTY, MARYLAND.

The Secretary shall transfer up to $600,000 to the State of Maryland for use by the State in constructing an access road to the William Jennings Randolph Lake in Garrett County, Maryland.

SEC. 537. POPLAR ISLAND, MARYLAND.

The Secretary shall carry out a project for the beneficial use of dredged material at Poplar Island, Maryland, substantially in accordance with, and subject to the conditions described in, the report of the Secretary dated September 3, 1996, at a total cost of $307,000,000, with an estimated Federal cost of $230,000,000, and an estimated non-Federal cost of $77,000,000. The project shall be carried out under the policies and cooperative agreement requirements of section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2236), except that subsection (e) of such section shall not apply to the project authorized by this section.

SEC. 538. EROSION CONTROL MEASURES, SMITH ISLAND, MARYLAND.

(a) IN GENERAL.—The Secretary shall implement erosion control measures to protect the estuary of Rhodes Point, Smith Island, Maryland, at an estimated total Federal cost of $450,000.

(b) IN EMERGENCY BASIS.—The project under subsection (a) shall be carried out on an emergency basis to protect against a national, historic, and cultural value of the island and in order to protect the Federal investment in infrastructure in the area.

(c) COST SHARING.—Cost-sharing applicable to hurricane and storm damage reduction shall be applicable to the project to be carried out under subsection (a).

SEC. 539. RESTORATION PROJECTS FOR MARYLAND, PENNSYLVANIA, AND WEST VIRGINIA.

(a) IN GENERAL.—

(1) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to non-Federal interests in cooperation with Federal and State agencies, for reclamation and water quality protection projects for the purpose of abating and mitigating surface water quality degradation caused by abandoned mines along—

(A) the North Santiam River, Maryland, Pennsylvania, and Virginia; and

(B) the New River, West Virginia, watershed.

(2) AGRICULTURAL MEASURES.—The project under paragraph (1) may also include measures for the abatement and mitigation of surface water quality degradation caused by the activity of agricultural livestock facilities.

(3) CONSULTATION WITH FEDERAL ENTITIES.—Any project under paragraph (1) that is located on lands owned by the States shall be undertaken in consultation with the Federal entity with administrative jurisdiction over such lands.

(b) FEDERAL SHARE.—The Federal share of the cost of the activities conducted under subsection (a)(1) shall be 50 percent; except that, with respect to projects located on lands owned by the United States, the Federal share shall be 100 percent.

SEC. 540. CONTROL OF AQUATIC PLANTS, MICHIGAN, PENNSYLVANIA AND NORTH CAROLINA.

The Secretary shall carry out under section 104 of the River and Harbor Act of 1958 (33 U.S.C. 2244) —

(1) a program to control aquatic plants in Lake St. Clair, Michigan;

(2) a program to control aquatic plants in the Schuylkill River, Philadelphia, Pennsylvania; and

(3) a program to control aquatic plants in Lake Gaston, Virginia and North Carolina.

SEC. 541. DULUTH, MINNESOTA, ALTERNATIVE TECHNOLOGY PROJECT.

(a) PROJECT AUTHORIZATION.—The Secretary shall develop and implement alternative methods for decontamination and disposal of contaminated dredged material at the Port of Duluth, Minnesota.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000.

SEC. 542. LAKE SUPERIOR CENTER, MINNESOTA.

(a) CONSTRUCTION.—The Secretary shall assist the Minnesota Sea Grant Corporation in the construction of an educational facility to be used in connection with efforts to educate the public in the economic, recreational, biological, aesthetic, and spiritual worth of Lake Superior and other large bodies of fresh water.

(b) PUBLIC OWNERSHIP.—Prior to providing any assistance under subsection (a), the Secretary shall verify that the facility to be constructed under subsection (a) will be owned by the public authority established by the State of Minnesota to develop, operate, and maintain the Lake Superior Center.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the construction of the facility under subsection (a) $30,000,000.

SEC. 543. REDWOOD RIVER BASIN, MINNESOTA.

(a) STUDY AND STRATEGY DEVELOPMENT.—The Secretary, in cooperation with the Secretary of Agriculture and the State of Minnesota, shall conduct a study, and develop a strategy, for using wetland restoration, soil and water conservation practices, and nonstructural measures to reduce flood damage, improve water quality, and create wildlife habitat in the Redwood River basin and the subbasins draining into the Minnesota River, at an estimated Federal cost of $40,000,000.

(b) NON-FEDERAL SHARE.—The non-Federal share of the cost of the study and development of the strategy shall be 25 percent and may be provided through in-kind services or materials.

(c) COOPERATION AGREEMENTS.—In conducting the study and developing the strategy under this section, the Secretary may enter into cooperation agreements to provide financial assistance to appropriate Federal, State, and local government agencies, including assistance for the implementation of wetland restoration projects and soil and water conservation measures.

(d) IMPLEMENTATION.—The Secretary shall undertake development and implementation of the strategy authorized by this section in cooperation with local landowners and local government officials.

SEC. 544. COLDWATER RIVER WATERSHED, MISSISSIPPI.

Not later than 6 months after the date of the enactment of this Act, the Secretary shall initiate all remaining work associated with the Coldwater River Watershed Erosion Control Project, as authorized by the Act entitled "An Act making appropriations to provide productive employment for hundreds of thousands of jobless Americans to initiate Federal projects and construction of lasting value to the Nation and its citizens, and to
provide humanitarian assistance to the indigent for fiscal year 1983, and for other purposes,” approved March 24, 1983 (97 Stat. 13).

SEC. 545. NATCHZ BLUFFS, MISSISSIPPI.

The Secretary shall carry out the project for bluff stabilization, Natchez Bluffs, Natchez, Mississippi, substantially in accordance with the Natchez Bluffs Study, dated September 1985, the Natchez Bluffs Supplement, dated June 1990, and the Natchez Bluffs Study: Supplement II, dated December 1993, at a total cost of $17,200,000, with an estimated Federal cost of $12,900,000 and an estimated non-Federal cost of $4,300,000. The project shall be carried out in the portions of the bluffs described in the studies specified in the preceding sentence as Clifton Avenue, area 1; River View Street, area 2; Bluff above Natchez Under-the-Hill, area 3; and Madison Street to State Street, area 4.

SEC. 546. SARDIS LAKE, MISSISSIPPI.

(a) MANAGEMENT.—The Secretary shall work cooperatively with the State of Mississippi and the city of Sardis, Mississippi, to the maximum extent practicable, in the management of existing and proposed leases of land consistent with the Sardis Lake Recreation and Tourism Master Plan prepared by the city for the economic development of the Sardis Lake area.

(b) STORAGE.—The Secretary shall carry out the study conducted by the city of Sardis, Mississippi, regarding the impact of the existing and proposed reservoirs on flood control storage in Sardis Lake. The city shall not be required to reimburse the Secretary for the cost of such storage, or the cost of the Secretary’s review, if the Secretary finds that the loss of flood control storage resulting from implementation of the master plan is not significant.

SEC. 547. ST. CHARLES COUNTY, MISSOURI, AND ST. LOUIS COUNTY, MISSOURI.

SEC. 548. S 69. LIBBY DAM, MONTANA.

(a) IN GENERAL.—In accordance with section 103(c)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(c)(1)), the Secretary shall—

(i) establish a program for providing environmental assistance to non-federal interests in the New York City Watershed area.

(ii) assist the State in the regulation and management of activities in such area.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $22,500,000.

SEC. 550. HACKENSACK MEADOWLANDS AREA, NEW JERSEY.

The Secretary shall carry out the program of New Jersey Meadowlands Commission, dated December 1993, at a total cost of $22,500,000, with an estimated Federal cost of $8,000,000 and an estimated non-Federal cost of $14,500,000. The project shall be carried out at the Natchez Bluffs Study, dated June 1985, and the Natchez Bluffs Study: Supplement II, dated July 1990, at a total cost of $12,900,000, with an estimated Federal cost of $9,700,000 and an estimated non-Federal cost of $3,200,000. The project shall be carried out in the portions of the bluffs described in the studies specified in the preceding sentence as Clifton Avenue, area 1; River View Street, area 2; Bluff above Natchez Under-the-Hill, area 3; and Madison Street to State Street, area 4.

SEC. 551. HACKETTSDALE, MONTANA.

Agriculture, Food, and Home Ownership Improvement Program. The Secretary shall carry out the program for the HackettSDale, Montana, substantially in accordance with the HackettSDale Study, dated September 1985, the HackettSDale Supplement, dated June 1990, and the HackettSDale Study: Supplement II, dated December 1993, at a total cost of $17,200,000, with an estimated Federal cost of $12,900,000 and an estimated non-Federal cost of $4,300,000. The project shall be carried out in the portions of the bluffs described in the studies specified in the preceding sentence as Clifton Avenue, area 1; River View Street, area 2; Bluff above Natchez Under-the-Hill, area 3; and Madison Street to State Street, area 4.

SEC. 552. NEW YORK CITY WATERSHED.

(a) ENVIRONMENTAL ASSISTANCE PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall establish a program for providing environmental assistance to non-federal interests in the New York City Watershed.

(2) FORM OF ASSISTANCE.—Assistance provided under this section may be in the form of financial assistance, technical assistance, or training.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000.

SEC. 553. NEW YORK STATE CANAL SYSTEM.

(a) IN GENERAL.—The Secretary may make capital improvements to the New York State Canal System.

(b) AGREEMENTS.—The Secretary, with the consent of local and State entities, may enter into such arrangements, contracts, and leases with public and private entities as may be necessary for the purposes of rehabilitation, renovation, preservation, and maintenance of the New York State Canal System, and such related facilities, including trailside facilities and other recreational projects along the waterways of the canal system.

(c) NEW YORK STATE CANAL SYSTEM DEFINED.—In this section, the term “New York State Canal System” means the Erie, Oswego, Champlain, and Cayuga-Seneca Canals.

(d) COOPERATION AGREEMENTS.—The Secretary is authorized to be appropriated to carry out this section $50,000,000.

SEC. 554. ORCHARD BEACH, BROOKLYN, NEW YORK.

The Secretary shall carry out a project for the protection of the shoreline of Orchard Beach in the City of New York, New York, and, if the Secretary determines that the project is feasible, may carry out
the project, at a maximum Federal cost of $5,200,000.

SEC. 555. DREDGED MATERIAL CONTAINMENT FACILITY FOR PORT OF NEW YORK-NEW JERSEY.

(a) In General.—The Secretary may construct, operate, and maintain a dredged material containment facility with a capacity sufficient in size to meet long-term dredged material disposal needs of port facilities under the jurisdiction of the Port of New York-New Jersey. Such facility may be a near-shore dredged material disposal facility along the Brooklyn waterfront.

(b) Cost Sharing.—The costs associated with feasibility studies, design, engineering, and construction of the facility shall be shared between the non-Federal interest in accordance with section 101 of the Water Resources Development Act of 1986 (33 U.S.C. 2211).

(c) Public Benefit.—After the facility constructed under subsection (a) has been filled to capacity with dredged material, the Secretary shall maintain the facility for the public benefit.

SEC. 556. QUEENS COUNTY, NEW YORK.

(a) Description of NonNavigable Area.—Subject to subsections (b) and (c), the area of Long Island City, Queens County, New York, that—

(1) is not submerged;

(2) as of the date of the enactment of this Act, lies between the southerly high water line of Anable Basin (as defined in section 1 of the Waterfront Revitalization and Economic Development Act of 1986) and the northerly high water line of Newtown Creek; and

(3) extends from the high water line (as of such date of enactment) of the East River to the original high water line of the East River; is declared to be nonnavigable waters of the United States.

(b) Requirement That Area Be Improved.—

(1) In General.—The declaration of nonnavigability under subsection (a) shall apply only to those portions of the area described in subsection (a) that are not occupied by permanent structures or other permanent physical improvements (including parkland).

(2) Applicability of Federal Law.—Improvements described in paragraph (1) shall be subject to applicable Federal laws, including—

(A) sections 9 and 10 of the Act entitled “An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes”, approved March 3, 1899 (33 U.S.C. 401 and 403);

(B) the Federal Water Pollution Control Act (33 U.S.C. 1344); and

(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(c) Coordination.—In providing assistance under this subsection, the Secretary shall coordinate with the Secretary of the Army and the Secretary of the Interior.

SEC. 557. JAMESTOWN DAM AND PIPESTEM DAM, NORTH DAKOTA.

(a) Revisions to Water Control Manuals.—In consultation with the States of North Dakota and South Dakota and the James River Water Conservation District, the Secretary may carry out the study and the implementation of the project described in subsection (a) and carry out revisions to the water control manuals for the Jamestown Dam and Pipestem Dam, North Dakota, to modify operation of the dam to reduce the magnitude of flooding and inundation of land located within the 10-year floodplain along the James River in North Dakota and South Dakota.

(b) Feasibility Study.—

(1) In General.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall—

(A) complete a study to determine the feasibility of providing flood control for the land referred to in subsection (a); and

(B) submit a report on the study to Congress.

(2) Considerations.—In carrying out paragraph (1), the Secretary shall consider all reasonable project-related and other options.

SEC. 558. NORTHEASTERN OHIO.

The Secretary may provide technical assistance to local governments within the region to improve the regional water authority in northeastern Ohio to address the water problems of the region. The Federal share of the costs of such planning shall not exceed 50 percent.

SEC. 559. OHIO RIVER GREENWAY.

(a) Expended Completion of Study.—The Secretary shall expend the completion of the study for a project on the Ohio River Greenway, Jeffersonville, Clarksville, and New Albany, Indiana.

(b) Construction.—Upon completion of the study, if the Secretary determines that the project is feasible, the Secretary shall participate with the non-Federal interests in the construction of the project.

(c) Cost Sharing.—The total project costs under this section shall be shared at 50 percent Federal and 50 percent non-Federal.

(d) Lands, Easements, and Rights-Of-Way.—Non-Federal interests shall be responsible for providing all lands, easements, rights-of-way, relocations, and dredged material disposal areas necessary for the project.

(e) Credit.—The non-Federal interests shall receive credit for those costs incurred by the non-Federal interests that the Secretary determines are compatible with the study, design, and implementation of the project.

SEC. 560. GRAND LAKE, OKLAHOMA.

(a) Study.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall carry out and complete a study of flooding in Grand/Neosho Basin and tributaries in the vicinity of Pensacola Dam in northeastern Oklahoma to determine the scope of the backwater effects of operation of the dam and to identify any lands that the Secretary determines have been adversely impacted by such operation or should have been publicly purchased as flowage easement for the project.

(b) Acquisition of Real Property.—Upon completion of the study and subject to appropriation in advance for payment, the Secretary may acquire, willing sellers such real property interests in or under, bulkheaded, filled, or otherwise occupied by permanent structures or other permanent physical improvements (including parkland).

(c) Implementation of Study.—The Secretary shall transmit to Congress reports on the operation of Pensacola Dam, including data on and analysis of releases in anticipation of flooding (referred to as “preoccupancy releases”), and the implementation of this section. The first report shall be submitted not later than 2 years after the date of the enactment of this Act.

(d) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $20,000,000.

SEC. 562. CURWENSVILLE LAKE, PENNSYLVANIA.

The Secretary shall modify the allocation of costs for the water reallocation project at Curwensville Lake, Pennsylvania, to the extent that the Secretary determines that such modification will provide environmental restoration benefits in meeting instream flow needs in the Susquehanna River basin.

SEC. 563. HOPPER DREDGE MCFARLAND.

(a) Project Authorization.—

(1) Determination.—The Secretary shall determine the advisability and necessity of making modifications to the hopper dredge McFarland. In making such determination, the Secretary shall—

(A) assess the need for returning the dredge to active service;

(B) determine whether the McFarland should be returned to active service or the reserve fund created for the McFarland after the potential improvements are completed and paid for; and

(C) establish minimum standards of dredging services to be met in interim periods of use of McFarland while the dredge is undergoing improvements.

(2) Authorization.—If the Secretary determines under paragraph (1) that the McFarland should be returned to active service or the reserve fund created for the McFarland after the potential improvements are completed and paid for, the McFarland shall be returned to active service or the reserve fund created for the McFarland after the potential improvements are completed and paid for.

(b) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $1,000,000.

SEC. 564. PHILADELPHIA, PENNSYLVANIA.

(a) Water Works Restoration.—

(1) In General.—Upon request of a report by the Corps of Engineers that such work is technically sound, environmentally acceptable, and economic, as applicable, the Secretary shall plan, design, and implement assistance for the protection and restoration of the Philadelphia Naval Shipyard, Pennsylvania.

(b) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $1,000,000.

(c) Cooperation Agreement for Schuykill Navigation Canal.—

(1) In General.—The Secretary shall enter into a cooperation agreement with the city of Philadelphia, Pennsylvania, to participate in the rehabilitation of the Schuylkill Navigation Canal at Manayunk.

(2) Limitation on Federal Share.—The Federal share of the cost of the rehabilitation under paragraph (1) shall not exceed $300,000 for each fiscal year.

(3) Area Included.—For purposes of this subsection, the Schuylkill Navigation Canal includes the section approximately 10,000 feet long between Locust Street and Fountain Streets, Philadelphia, Pennsylvania.

(c) Schuylkill River Park.—
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(1) ASSISTANCE.—Upon completion of a report by the Corps of Engineers that such work is technically sound, environmentally acceptable, and economic, as applicable, the Secretary may provide technical, planning, design, and construction assistance for the Schuylkill River Park, Philadelphia, Pennsylvania.

(2) FUNDING.—There is authorized to be appropriated to carry out this subsection $2,700,000.

(2) PENNYPACK PARK.—

(a) IN GENERAL.—Before providing assistance in the form of design and construction services to the city of Philadelphia, acting through the Pennypack Park Commission, there is authorized to be appropriated to carry out this subsection $15,000,000.

(b) FUNDING.—There is authorized to be appropriated to carry out this subsection $12,000,000.

(a) IN GENERAL.—The Secretary shall conduct a study for a flood control project for the Delaware River, approximately one mile downstream of the Frankford Dam, the replacement of the Rhawn Dam, and the development of the Blackstone River Valley National Heritage Corridor, Rhode Island and Massachusetts.

(b) FUNDING.—There is authorized to be appropriated to carry out this subsection $900,000.

SEC. 566. SEVEN POINTS VISITORS CENTER, RAYSTOWN LAKE, PENNSYLVANIA.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a pilot program for providing environmental assistance to non-Federal interests in Pennsylvania.

(b) FORM OF ASSISTANCE.—Assistance under this section may be in the form of design and construction services for water-related environmental enhancement, or may provide assistance for the development of new or existing projects in southeastern Pennsylvania, including projects for water quality, wetlands, and related facilities, water supply and related facilities, and surface water resource protection and development.

(c) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(d) LOCAL COOPERATION AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a local cooperation agreement with a non-Federal entity to provide for design and construction of the project to be carried out with such assistance.

(2) REQUIREMENTS.—Each local cooperation agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(c) COST SHARING.—

(A) IN GENERAL.—Total project costs under each local cooperation agreement entered into under this subsection shall be shared at 75 percent Federal and 25 percent non-Federal. The Federal share may be in the form of grants or reimbursements of project costs.

(B) CREDIT FOR INTEREST.—The non-Federal share of the Federal share shall receive credit for the reasonable costs of design work completed by such interest prior to entering into a local cooperation agreement with the Secretary for a project. The credit for such design work shall not exceed 6 percent of the total construction costs of the project.

(C) CREDIT FOR DESIGN WORK.—In the event of a delay in the funding of the non-Federal share of a project that is the subject of an agreement under this subsection, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of a project’s cost.

(D) LANDS, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—The non-Federal interest shall receive credit for lands, easements, rights-of-way, and relocations toward its share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of such project on publicly owned or controlled lands), but not to exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects for which assistance was provided under this section shall be 100 percent.

(f) REPORT.—Not later than December 31, 1996, the Secretary shall transmit to Congress a report on the results of the pilot program carried out under this section with recommendations concerning whether or not such program should be implemented on a national basis.

SEC. 567. UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK.

(a) STUDY AND STRATEGY DEVELOPMENT.—The Secretary, in consultation with the Secretary of Agriculture, the State of Pennsylvania, and the State of New York, shall conduct a study, and develop a strategy, for using wetland restoration, soil and water conservation practices, and constructural measures to reduce flood damage, improve water quality, and create wildlife habitat in the following portions of the Upper Susquehanna River Basin: the Juniata River watershed, Pennsylvania, at an estimated Federal cost of $8,000,000, and the watershed upstream of the Chemung River, New York, at an estimated Federal cost of $5,000,000.

(b) NON-FEDERAL SHARE.—The non-Federal share of the cost of the study and development of the strategy shall be 25 percent and may be provided through in-kind services and materials.

(c) IMPLEMENTATION.—In conducting the study and developing the strategy under this section, the Secretary may enter into cooperation agreements to provide financial assistance, design and construction services, and technical assistance to local government agencies, including assistance for the implementation of wetland restoration projects and soil and water conservation measures.

(d) IMPLEMENTATION.—The Secretary shall undertake development and implementation of the strategy authorized by this section in cooperation with local landowners and local government officials.

SEC. 568. WILLS CREEK, HYNDMAN, PENNSYLVANIA.

The Secretary may carry out a project for flood control, Wills Creek, Borough of Hyndman, Pennsylvania, at an estimated total cost of $5,000,000.

SEC. 569. BLACKSTONE RIVER VALLEY, RHODE ISLAND AND MASSACHUSETTS.

(a) IN GENERAL.—The Secretary, in coordination with Federal, State, and local interests, shall provide technical, planning, and construction assistance in the development and restoration of the Blackstone River Valley National Heritage Corridor, Rhode Island and Massachusetts.

(b) CREDIT FOR INTEREST.—The non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of a project's cost.

(c) LANDS, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—The non-Federal interest shall receive credit for lands, easements, rights-of-way, and relocations toward its share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of such project on publicly owned or controlled lands), but not to exceed 25 percent of total project costs.

(d) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects for which assistance was provided under this section shall be 100 percent.

(e) CREDIT FOR DESIGN WORK.—In the event of a delay in the funding of the non-Federal share of a project that is the subject of an agreement under this subsection, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of a project's cost.

(f) REPORT.—Not later than December 31, 1998, the Secretary shall transmit to Congress a report on the results of the pilot program carried out under this section with recommendations concerning whether or not such program should be implemented on a national basis.

SEC. 571. QUONSET POINT-DAVISVILLE, RHODE ISLAND.

The Secretary shall replace the bulkhead between piers 1 and 2 at the Quonset Point-Davisville Industrial Park, Rhode Island, at a total cost of $1,350,000, with an estimated Federal cost of $1,012,500 and an estimated non-Federal cost of $337,500. In conjunction with this project, the Secretary shall install high mast lighting at pier 2 at a total cost of $300,000, with an estimated Federal cost of $225,000 and an estimated non-Federal cost of $75,000.

SEC. 572. EAST RIDGE, TENNESSEE.

The Secretary shall conduct a limited reevaluation of the flood management study for the East Ridge and Hamilton County area, Tennessee, undertaken by the Tennessee Valley Authority and may carry out the project at an estimated total cost of up to $25,000,000.

SEC. 573. MURFREESBORO, TENNESSEE.

The Secretary may carry out a project for environmental enhancement, Murfreesboro, Tennessee, in accordance with the Report and Environmental Assessment, Black Fox, Murfree and Oaklands Spring Wetlands, Murfreesboro, Rutherford County, Tennessee, dated August 1994.

SEC. 574. TANCUK RIVER, HAMILTON COUNTY, TENNESSEE.

The Secretary shall conduct a study for a project for bank stabilization, Tancuck River, Hamilton County, Tennessee. The Secretary determines that the project is feasible, may carry out the project, at a maximum Federal cost of $7,500,000.

SEC. 575. HARRIS COUNTY, TEXAS.

(a) IN GENERAL.—During any evaluation of economic benefits and costs for projects set forth in subsection (b) that occurs after the date of the enactment of this Act, the Secretary shall not consider flood control works constructed by non-Federal interests within the drainage area of such projects prior to the date of such evaluation in the determination of conditions existing prior to construction of the projects.

(b) SPECIFIC PROJECTS.—The projects to which subsection (a) apply are—
(1) the project for flood control, Buffalo Bayou Basin, Texas, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1258); (2) the project for flood control, Buffalo Bayou Basin, Texas, authorized by section 101(a) of the Water Resources Development Act of 1990 (104 Stat. 4610); and (3) the project for flood control, Cypress Creek, Texas, authorized by section 3(a)(13) of the Water Resources Development Act of 1988 (102 Stat. 4014).

SEC. 576. NEABSCO CREEK, VIRGINIA.

The Secretary shall carry out a project for flood control, Neabsco Creek Watershed, Prince William County, Virginia, at an estimated total cost of $1,500,000.

SEC. 577. TANGLER ISLAND, VIRGINIA.

(a) In General.—The Secretary shall design and construct a breakwater at the North Channel on Tangier Island, Virginia, at a total cost of $1,200,000, with an estimated Federal cost of $900,000 and an estimated non-Federal cost of $300,000.

(b) Cost-Benefit Ratio.—Congress finds that in view of the historic preservation benefits resulting from the project authorized by this section, the overall benefits of the project exceed the costs of the project.

SEC. 578. PIERCE COUNTY, WASHINGTON.

(a) Passage of Technical Assistance.—The Secretary shall provide technical assistance to Pierce County, Washington, to address measures that are necessary to ensure that non-Federal levees are adequately maintained and satisfy eligibility criteria for rehabilitation assistance under section 2 of the Act entitled ‘“An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes”, approved August 19, 1941 (33 U.S.C. 701; 55 Stat. 650).

(b) Purpose of Assistance.—The purpose of the assistance under this section shall be to provide a review of the requirements of the Puyallup Tribe of Indians Settlement Act of 1989 (25 U.S.C. 1773 et seq.; 102 Stat. 83) and standards for project maintenance and vegetation management used by the Secretary in order to determine eligibility for levee rehabilitation assistance and, if appropriate, to amend such standards as needed to meet non-Federal levee eligible for assistance that may be necessary as a result of future flooding.

SEC. 579. GREENSBIRGER RIVER BASIN, WEST VIRGINIA, FLOOD PROTECTION.

(a) In General.—The Secretary may design and implement a flood damage reduction program for the Greenbrier River Basin, West Virginia, in the vicinity of Durbin, Marlinton, Richwood, and Alderson as generally presented in the District Engineer’s draft Greenbrier River Basin Study Evaluation Report, dated July 1994, to the extent provided under subsection (b) to afford such communities a level of protection against flooding sufficient to reduce future losses to such communities from the likelihood of flooding such as occurred in November 1985, January 1996, and May 1996.

(b) Flood Protection Measures.—The flood damage reduction program referred to in subsection (a) may include the following as the Chief of Engineers determines necessary and advisable in consultation with the communities referred to in subsection (a) and local project protection such as levees, floodwalls, channelization, small tributary stream impoundments, and nonstructural measures such as urban drainage and controls.

(c) Floodplain relocations and resettlement site developments, floodplain evolutions, and a comprehensive river corridor and watershed management project in accordance with the District Engineer’s draft Greenbrier River Corridor Management Plan, Concept Study, dated April 1996.

(d) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $12,000,000.

SEC. 580. LOWER MUD RIVER, MILTON, WEST VIRGINIA.

The Secretary shall conduct a limited reevaluation of the watershed plan and the environmental assessment prepared for the lower section of the Lower Mud River, Milton, West Virginia, by the Natural Resources Conservation Service pursuant to the Water Resources Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.) and may carry out the project.

SEC. 581. WEST VIRGINIA AND PENNSYLVANIA FLOOD PROTECTION.

(a) In General.—The Secretary may design and construct flood control measures in the Cheat and Tygart River Basins, West Virginia, and the Lower Allegheny, Lower Monongahela, West Branch Susquehanna, and Juniata River Basins, Pennsylvania, at a level of protection sufficient to prevent any future losses to these communities from flooding as occurred in January 1996, but no less than a 100-year level of flood protection.

(b) Priority Communities.—In carrying out this section, the Secretary shall give priority to the communities of—

(1) Parsons and Rollowsburg, West Virginia, in the Cheat River Basin.

(2) Bellingham and Phillipi, West Virginia, in the Tygart River River.

(3) Connellsville, Pennsylvania, in the Lower Monongahela River Basin.


(5) Patton, Barnesboro, Coalport, and Spangler, Pennsylvania, in the West Branch Susquehanna River Basin; and

(6) Bedford, Linds Crossings, and Logan Township in the Juniata River Basin.

(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $12,000,000.

SEC. 582. SITE DESIGNATION.

Section 101(a) of the Marine Protection, Research, and Sanitary Act of 1972 (33 U.S.C. 1421(c)(4)) is amended—

(1) by inserting after “for a site” the following: “(other than the site located off the coast of Newport Beach, California, which is known as ‘LA-3’);” and

(2) by adding at the end the following: “Beginning January 1, 2000, no permit for dumping pursuant to this Act or authorization for dumping under section 103(e) shall be issued for the site located off the coast of Newport Beach, California, which is known as ‘LA-3’, unless such site has received a final designation pursuant to this subsection or an alternative site has been selected pursuant to section 103(b).

SEC. 583. LONG ISLAND SOUND.

Section 119(e) of the Federal Water Pollution Control Act (33 U.S.C. 1269(e)) is amended by striking “1996” each place it appears and inserting “2001”.

SEC. 584. WATER MONITORING STATION.

(a) Assistance.—The Secretary shall provide assistance to non-Federal interests for reconfiguration of the water monitoring station on the North Fork of the Flathead River, Montana.

(b) Funding.—There is authorized to be appropriated to carry out this section $50,000.

SEC. 585. OVERFLOW MANAGEMENT FACILITY.

(a) Assistance.—The Secretary shall provide assistance to the Narragansett Bay Commission for the construction of a combined river overflow management facility in Rhode Island.

(b) Funding.—There is authorized to be appropriated to carry out this section $30,000,000.

SEC. 586. PRIVATIZATION OF INFRASTRUCTURE ASSETS.

(a) In General.—Notwithstanding the provisions of title II of the Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.), Executive Order 12803, or any other law or authority, an entity that receives Federal assistance for an infrastructure asset under the Federal Water Pollution Control Act shall not be required to repay any portion of the grant upon the lease or conveyance of the asset only if—

(1) ownership of the asset remains with the entity that received the grant; and

(2) the Administrator of the Environmental Protection Agency determines that the lease or conveyance furthers the purposes of such Act and approves the lease or conveyance under section 101(a) of the Water Resources Development Act of 1988.

(b) Limitation.—The Administrator shall not approve a total of more than 5 leases and conveyances under this section.

TITLE VI—EXTENSION OF EXPENDITURE AUTHORITY UNDER HARBOR MAINTENANCE TRUST FUND

SEC. 601. EXTENSION OF EXPENDITURE AUTHORITY UNDER HARBOR MAINTENANCE TRUST FUND.

Paragraph (1) of section 9505(c) of the Internal Revenue Code of 1986 (relating to expenditures from Harbor Maintenance Trust Fund) is amended to read as follows—

“(1) to carry out section 210 of the Water Resources Development Act of 1988 (as in effect on the date of the enactment of the Water Resources Development Act of 1996).”

And the House agree to the same.

BUD SHUSTER,
DON YOUNG,
SHERWOOD BOEHLERT,
JAMES L. OBERSTAR,
ROBERT A. BORSKI,
Managers on the Part of the House.

JOHN H. CHAFE,
BUD SHUSTER,
BOB SMITH,
DANIEL PATRICK MOYNIHAN,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment to the House bill, the Senate bill, the Conference bill, and the Senate amendments to the Conference bill, as agreed upon by the managers and recommended in the accompanying conference report:

1. The Senate amendment struck all of the Senate bill after the enacting clause and inserted a substitute text.

2. The State recedes from its disagreement to the amendment of the House with an amendment that is a substitute for the Senate bill and the House amendment. The differences between the House bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

TITLE I—WATER RESOURCES PROJECTS

SEC. 101. PROJECT AUTHORIZATIONS.

(a) Projects with Chief’s reports

101(a)(1) Projects with Chief’s reports

101(a)(1) American River Watershed, California.—House § 101(a)(1), Senate § 104(d)(1)—Senate recedes with an amendment to paragraph (a)(1) (Deepening). (b) Projects with Chief’s reports

101(a)(2) Humboldt Harbor and Bay, California.—House § 101(a)(6), Senate § 101(a)(3)—Senate recedes.

101(a)(3) Marin County Shoreline, San Rafael, California.—House § 101(a)(5), Senate § 101(a)(2)—Senate recedes with an amendment.

101(a)(4) Port of Long Beach (Deepening), California.—House § 101(b)(5), Senate § 104(d)—Senate recedes with an amendment.

(c) Projects with Chief’s reports

101(a)(6) Port of San Diego, California.—House § 101(a)(7), Senate § 101(a)(4)—Senate recedes with an amendment.

(d) Projects with Chief’s reports

101(a)(7) Port of Long Beach, California.—House § 101(a)(8), Senate § 101(a)(5)—Senate recedes with an amendment.
SEC. 102. SMALL FLOOD CONTROL PROJECTS

House §102(a), no comparable Senate section—Senate recedes with an amendment.

SEC. 103. SMALL NAVIGATION PROJECTS

House §103, no comparable Senate section—Senate recedes with an amendment.

SEC. 104. SMALL SHORELINE PROTECTION PROJECTS

House §104, no comparable Senate section—Senate recedes with an amendment.

SEC. 105. SMALL BANK STABILIZATION PROJECTS

House §105, no comparable Senate section—Senate recedes with an amendment.

SEC. 106. SMALL FLOOD CONTROL PROJECTS

House §106, no comparable Senate section—Senate recedes with an amendment.
105(1) For Pierce, Florida.—House § 205(a)(2), no comparable Senate section—Senate recedes.

105(2) Sylvan Beach, Breakwater, Verona, Oneida County, New York.—House § 205(a)(4), no comparable Senate section—Senate recedes.

SEC. 106. SMALL SNAGGING AND SEDIMENT REMOVAL PROJECT, MISSISSIPPI RIVER, LITTLE FALLS, MISSISSIPPI.

House § 106, no comparable Senate section—Senate recedes with an amendment.

SEC. 107. SMALL PROJECTS FOR IMPROVEMENT OF THE ENVIRONMENT.

House § 107, no comparable Senate section—Senate recedes with an amendment.

107(1) Pine Flat Dam, California.—No House comparable section, Senate § 312(b)—House recedes with an amendment.

107(2) Upper Truckee River, El Dorado County, California.—House § 107(1), no comparable Senate section—Senate recedes.

107(3) Whittier Narrows Dam, California.—House § 107(3), no comparable Senate section—Senate recedes.

107(4) Lower Amazon Creek, Oregon.—Senate § 312(c), no comparable House section—House recedes with an amendment.

107(5) Ashley Creek, Utah.—House § 104(k), no comparable Senate section—House recedes with an amendment.

107(6) Bear River, Salt Lake County, Utah.—House § 107(4), no comparable Senate section—Senate recedes.

TITLE II—GENERAL PROVISIONS

SEC. 201. COST SHARING FOR DREDGED MATERIAL DISPOSAL AREAS.

House § 201, Senate § 335—Senate recedes with an amendment to Subsections (d) and (g).

This section assures a consistent approach to the Federal and non-Federal responsibilities for providing dredged material disposal areas. By requiring the same cost sharing for disposal activities, whether they involve open water discharge or discharge into confined sites or similar methods, non-Federal project sponsors will have greater certainty regarding their cost sharing responsibilities during project development. Importantly, this section will result in benefits to the aquatic environment by reducing inordinate pressure for open water disposal, which may be less effective in some cases, not preferable from an environmental point of view.

To address situations in which projects involving dredged material disposal facilities could be inadvertently disadvantaged by the provisions of this section, the section includes a provision that assures that no increase in non-Federal costs will result from its application. Among the projects that will not have their non-Federal share increased are the modification or enlargement of existing non-Federal disposal facilities at Norfolk Harbor, Virginia; Cleveland Harbor, Ohio and Green Bay Harbor, Wisconsin.

SEC. 202. FLOOD CONTROL POLICY.

House § 202, no comparable Senate section—Senate recedes with an amendment.

The conference has included several provisions in section 202 which modify the flood control procedures of the Corps of Engineers, reflecting an evolution in national flood control policy. The conference has deleted the provision in the House bill to allow additional reviews of the river system without prejudice to its substance. The conference expects the Corps to continue to consider nonstructural alternatives as required by existing law. The conference expects the Corps to improve its efforts at considering nonstructural alternatives in its project study and formulation.

Such consideration should include watershed management, wetlands restoration, elevation, and relocation. The Corps is also encouraged to explore alternatives which may involve the use of other non-Federal authorities or the non-Federal authority of the Corps. Examples of such alternatives include changes in zoning or development patterns by local officials. Because the Corps is responsible for implementing such recommendations, such options are generally not explored or displayed in Corps study documents. However, such alternatives could be more effective flood protection program at reduced cost to both Federal and non-Federal interests.

Such alternatives are consistent with current approaches to flood control and recent congressional actions related to reducing Federal expenditures for flooding. For example, Congress enacted the Hazard Mitigation and Flood Damage Reduction Act of 1993, in direct response to the disastrous flooding in the Midwest in 1993. This law allows for increased use of relocation in response to flooding. It would be prudent for the Corps to also increase its review of nonstructural alternatives prior to flooding.

The conferees have included several provisions to support the House have receded to the Senate and deleted subsection 202(1) of the House bill. Subsection (f) would have amended section 73 of the Water Resources Development Act of 1974 to place a greater emphasis on including proposals for nonstructural alternatives to reduce or prevent flood damages in the surveying, planning or design of projects for flood protection.

202(a) Flood Control Cost Sharing.—House § 202, Senate § 337—Senate recedes with an amendment.

202(b) Ability to Pay.—House § 202(b)—Senate recedes with an amendment.

The continuing problem of non-Federal project sponsors' ability to provide the required cost sharing for flood control projects has been addressed by this legislation. First enacted in the Water Resources Development Act (WRDA) of 1986 and modified in WRDAS of 1990 and 1992, the Corps of Engineers has implemented congressional direction concerning ability-to-pay in a manner that has resulted in little assistance to financially distressed communities in need of relief from flooding. Section 202 addresses this problem with a new language. It is essential that prudent, yet meaningful ability-to-pay procedures be implemented. This is especially important in light of the increased intergovernmental share of project costs for future flood control programs that are provided for in section 202. The Secretary's progress in implementing this section is provided for in section 202(c).

202(c) Flood Plain Management Plans.—House § 202(c), no comparable Senate section—Senate recedes with an amendment.

202(d) Nonstructural Flood Control Policy.—House § 202(d), no comparable Senate section—Senate recedes.

202(e) Emergency Response.—House § 202(e), no comparable Senate section—Senate recedes.

202(f) Levee Owners Manual.—Senate § 336, no comparable House section—House recedes with an amendment.

202(g) Vegetative Management Guidelines.—No comparable House section of Senate section.

202(h) Risk-Based Analysis Methodology.—Senate § 317, no comparable House section—House recedes with amendment.

SEC. 203. COST SHARING FOR FEASIBILITY STUDIES.

House § 203, Senate § 314—Senate recedes with an amendment.

This section recognizes the chronic problem of excessive, unpredictable cost increases that non-Federal sponsors incur in particu-
The conference agreement includes language directing the Secretary not to reduce the availability and utilization of Federal hopper dredge vessels on the Pacific and Atlantic coasts of the United States to make the navigation dredging needs.

**Title III—Project Related Provisions**

**Sec. 301 Project Modifications**

House § 301(a) Projects with reports
- House § 301(a)(1) San Francisco River at Clifton, Arizona.—House § 305, Senate § 102(b)—Senate recedes.
- House § 301(a)(2) Oakland Harbor, California.—House § 309, Senate § 102(d)—Senate recedes with an amendment.
- House § 301(a)(3) San Luis Rey, California.—House § 311, no comparable Senate section—Senate recedes.
- House § 301(a)(5) North Branch of Chicago River, Illinois.—House § 326, Senate § 102(i)—Senate recedes with an amendment.
- House § 301(a)(6) Halstead, Kansas.—House § 328, Senate § 102(j)—Senate recedes.
- House § 301(a)(7) Molly Ann’s Brook, New Jersey.—House § 346, no comparable Senate section—Senate recedes.
- House § 301(a)(8) Ramapo River at Oakland, New Jersey.—House § 348, no comparable Senate section—Senate recedes.
- House § 301(a)(9) Wilmington Harbor—Northeast Cape Fear River, North Carolina.—House § 353, Senate § 102(o)—Senate recedes.
- House § 301(a)(10) Saw Mill Run, Pennsylvania.—House § 362, Senate § 102(p)—Senate recedes.
- House § 301(a)(11) San Juan Harbor, Puerto Rico.—House § 366, no comparable Senate section—Senate recedes.
- House § 301(a)(12) India Point Railroad Bridge, Seekonk River, Providence, Rhode Island.—House § 301(b)(1) Projects subject to reports
- House § 301(b)(1) Alamo Dam, Arizona.—House § 302, no comparable Senate section—Senate recedes.
- House § 301(b)(2) Phoenix, Arizona.—House § 304, no comparable Senate section—Senate recedes with an amendment.
- House § 301(b)(3) Glenn-Colusa, California.—House § 307, no comparable Senate section—Senate recedes.
- House § 301(b)(4) Rybee Island, Georgia.—House § 320, no comparable Senate section—Senate recedes with an amendment.
- House § 301(b)(5) Comite River, Louisiana.—House § 333, Senate § 102(l)—Senate recedes.
- House § 301(b)(6) Grand Isle and Vichy, Louisiana.—House § 332, no comparable Senate section—Senate recedes with an amendment.
- House § 301(b)(7) Red River Waterway, Louisiana.—House § 336, no comparable Senate section—Senate recedes.
- House § 301(b)(8) Red River Waterway, Mississippi River to Shreveport, Louisiana.—House § 102, no comparable House section—House recedes.
- House § 301(b)(9) Stillwater, Minnesota.—House § 341, Senate § 102(q)—Senate recedes with an amendment.

The conference agreement includes language which will allow for the expansion of the ongoing flood protection project in Stillwater, Minnesota. The non-Federal sponsor has expressed concerns that the expansion of the project, and the need for the Corps to conduct an analysis of the expanded project, could cause a delay in implementing the previously authorized work. An unnecessary delay in the previously authorized work is not intended. The Secretary is directed to continue...
expeditiously in the implementation of the previously authorized work during the analysis related to the expanded project.

301(b)(10) Joseph G. Minsh Passaic River Park, New Jersey—House § 345, Senate § 102(t)—Senate recedes with an amendment.

301(b)(11) Arthur Kill, New York and New Jersey.—House § 352, Senate § 104(r).

301(b)(1)(A) Cost Increases.—Senate recedes.

301(b)(12) Arthur Kill and Verrazano Narrows, Brooklyn, New York.—Senate § 102(a)—Senate recedes.

House § 301, Senate § 102(a)—Senate recedes.

301(W) Combination of Engineering and Design.—House recedes with an amendment.

SEC. 302 GEORGE WASHINGTON CANAL, ALABAMA

House § 301, Senate § 102(a)—Senate recedes.

House § 302, no comparable Senate section—Senate recedes.

SEC. 303 WHITE RIVER BASIN, ARKANSAS AND MISSOURI

Senate § 204, no comparable House section—House recedes.

SEC. 305 CHANNEL ISLANDS HARBOR, CALIFORNIA

House § 301, no comparable Senate section—Senate recedes with an amendment.

SEC. 306 LAKE ELSINORE, CALIFORNIA

House § 102(b)(1), Senate § 104(c)—Senate recedes with an amendment.

SEC. 307 LOS ANGELES AND LONG BEACH HARBOURS, SAN PEDRO BAY, CALIFORNIA

House § 308, Senate § 102(c)—House recedes with an amendment.

SEC. 308 LOS ANGELES COUNTY DRAINAGE AREA, CALIFORNIA

House § 302, no comparable Senate section—Senate recedes.

SEC. 309 PRADO DAM, CALIFORNIA

House § 307, no comparable Senate section—Senate recedes with an amendment to Subsections (a), (b), and (c).

SEC. 310 QUEENSWAY BAY, CALIFORNIA

House § 310, no comparable Senate section—Senate recedes with an amendment.

SEC. 311 SEVEN OAKS DAM, CALIFORNIA

House § 304, no comparable Senate section—Senate recedes.

SEC. 312 THAMES RIVER, CONNECTICUT

House § 312, Senate § 103(g)—House recedes with an amendment to Subsections (b) and (c).

SEC. 313 CANALVERAL HARBOR, FLORIDA

House § 314, Senate § 101(f)—Senate recedes.

SEC. 314 CAPTIVA ISLAND, FLORIDA

House § 315, no comparable Senate section—Senate recedes.

SEC. 315 CENTRAL AND SOUTHERN FLORIDA, CANAL 51

House § 316, Senate § 206—Senate recedes.

This section modifies the project for flood control for West Palm Beach Canal (Canal 51) to include no comparable for an enlarged storm water retention area and additional work at Federal expense, in accordance with the Everglades Protection Project. This project is essential to the overall Everglades restoration project because it will allow for a greater availability of fresh water to one of the most degraded portions of the Everglades.

In carrying out the activities authorized under this section, the Secretary of the Army is to work with the South Florida Water Management District and the Indian Trail Water Control District to resolve the issue of flood control in a financially equitable manner consistent with each agency's statutory authority.

SEC. 316 CENTRAL AND SOUTHERN FLORIDA, CANAL 111

House § 317, Senate § 205—Senate recedes.

SEC. 317 JACKSONVILLE HARBOR (MILL COVE), FLORIDA

House § 318, no comparable Senate section—Senate recedes with an amendment.

SEC. 318 PANAMA CITY BEACHES, FLORIDA

House § 319, no comparable Senate section—Senate recedes with an amendment to Subsection (b).

SEC. 319 CHICAGO, ILLINOIS

House § 320, no comparable Senate section—Senate recedes.

SEC. 320 CHICAGO LOCK AND THOMAS J. O'BRIEN LOCK, ILLINOIS

House § 323, no comparable Senate section—Senate recedes.

SEC. 321 KASKASKIA RIVER, ILLINOIS

House § 324, no comparable Senate section—Senate recedes.

SEC. 322 LOCK, no. DAM 26, ALTON, ILLINOIS AND MISSOURI

House § 325, no comparable Senate section—Senate recedes.

SEC. 323 WHITE RIVER, INDIANA

House § 321, no comparable Senate section—Senate recedes.

SEC. 324 BAPTISTE COLLETTE BAYOU, LOUISIANA

House § 325, Senate § 102(k)—House recedes.

SEC. 325 LAKE PONTCHARTAIN, LOUISIANA

House § 333, no comparable Senate section—Senate recedes.

SEC. 326 MISSISSIPPI RIVER-GULF OUTLET, LOUISIANA

Senate § 209, no comparable House section—House recedes.

SEC. 327 TOLCHESTER CHANNEL, MARYLAND

House § 338, Senate § 102(p)—Senate recedes.

SEC. 328 CROSS VILLAGE HARBOR, MICHIGAN

House § 303(a)(2), no comparable Senate section—Senate recedes with an amendment.

SEC. 329 SAGINAW RIVER, MICHIGAN

House § 339, no comparable Senate section—Senate recedes.

SEC. 330 SAULT SAINTE MARIE, CHIPPEWA COUNTY, MICHIGAN

House § 340, no comparable Senate section—Senate recedes.

This section modifies the project for navigation at Sault Sainte Marie, Michigan, to require that portion of the non-Federal share which the Secretary determines is attributable to the use of the lock by vessels calling at Canadian ports be paid by the United States. Appropriate and necessary action by the U.S. government to pursue reimbursement at Canadian ports be paid by the United Nations is strongly urged. The remaining portion of the non-Federal share shall be paid by the Great Lakes states pursuant to an agreement which they enter into with each other. The repayment of the non-Federal project cost is to be repaid over 50 years or the expected life of the project, whichever is shorter.

SEC. 331 ST. JOHNS BAYOU-NEW MADRID FLOODWAY, MISSOURI

House § 344, no comparable Senate section—Senate recedes.

SEC. 332 LOST CREEK, COLUMBUS, NEBRASKA

House § 102(b)(2), no comparable Senate section—Senate recedes with an amendment.

SEC. 333 PASSAIC RIVER, NEW JERSEY

House § 347, no comparable Senate section—Senate recedes.

SEC. 334 ACHUQUAS IRRIGATION SYSTEM, NEW MEXICO

Senate § 102(u), no comparable House section—House recedes with an amendment.

SEC. 335 JONES INLET, NEW YORK

House § 351, no comparable Senate section—Senate recedes with an amendment.

SEC. 336 BUFORD TRENTO TIRATION DISTRICT, NORTH DAKOTA

House § 354, Senate § 219—House recedes with an amendment.

SEC. 337 RENO BEACH-HOWARDS FARM, OHIO

House § 355, no comparable Senate section—Senate recedes.

SEC. 338 BROKEN BOW LAKE, RED RIVER BASIN, OKLAHOMA

Senate § 102(w), no comparable House section—House recedes with an amendment.

SEC. 339 WISTER LAKE PROJECT, LEFLORE COUNTY, OKLAHOMA

House § 356, Senate § 221—House recedes.

SEC. 340 BONNEVILLE LOCK AND DAM, COLUMBIA RIVER, OREGON AND WASHINGTON

House § 357, Senate § 342—Senate recedes.

SEC. 341 COLUMBIA RIVER DREDGING, OREGON AND WASHINGTON

House § 358, Senate § 102(x)—Senate recedes.

SEC. 342 LACKAWANNA RIVER AT SCRANTON, PENNSYLVANIA

House § 360, Senate § 104(u)—Senate recedes with an amendment.

SEC. 343 MUSSELS DAM, MIDDLE CREEK, SNYDER COUNTY, PENNSYLVANIA

House § 361, no comparable Senate section—Senate recedes.

SEC. 344 SCHUYLKILL RIVER, PENNSYLVANIA

House § 363, no comparable Senate section—Senate recedes.

SEC. 345 SOUTH CENTRAL PENNSYLVANIA

House § 364, no comparable Senate section—Senate recedes with an amendment.

SEC. 346 WYOMING VALLEY, PENNSYLVANIA

House § 365, Senate § 102(a)—House recedes.

SEC. 347 ALLENDALE DAM, NORTH PROVIDENCE, RHODE ISLAND

Senate § 102(bb), no comparable House section—House recedes.

SEC. 348 NARRAGANSETT, RHODE ISLAND

House § 367, Senate § 223—Senate recedes.

SEC. 349 CLOUTER CREEK DISPOSAL AREA, CHARLESTON, SOUTH CAROLINA

House § 368, Senate § 327—House recedes with an amendment.

SEC. 350 BUFFALO BAYOU, TEXAS

House § 573, no comparable Senate section—Senate recedes with an amendment.

SEC. 351 DALLAS FLOODWAY EXTENSION, DALLAS, TEXAS

House § 369, Senate § 102(ee)—Senate recedes with an amendment.

SEC. 352 GRUNTY, VIRGINIA

Senate § 102(h), no comparable House section—House recedes.

SEC. 353 HAYSI LAKE, VIRGINIA

House § 371, Senate § 101(j)—Senate recedes.

SEC. 354 RUDEE INLET, VIRGINIA BEACH, VIRGINIA

House § 372, Senate § 226—Senate recedes.

SEC. 355 VIRGINIA BEACH, VIRGINIA

House § 373, Senate § 227—House recedes.

SEC. 356 EAST WATERWAY, WASHINGTON

House § 374, no comparable Senate section—Senate recedes.

SEC. 357 BLUESTONE LAKE, WEST VIRGINIA

House § 375, no comparable Senate section—Senate recedes.

SEC. 358 MOOREFIELD, WEST VIRGINIA

House § 376, no comparable Senate section—Senate recedes with an amendment.

SEC. 359 SOUTHERN WEST VIRGINIA

House § 377, no comparable Senate section—Senate recedes with an amendment.
SEC. 361 KICKAPOO RIVER, WISCONSIN
House §379, Senate §103(p)—Senate recedes with an amendment to subsections (b), (c), and (d).

SEC. 362 TETON COUNTY, WYOMING
House §380, Senate §102(k(k)—Senate recedes.

SEC. 363 PROJECT REAUTHORIZATIONS

363(b) White River, Arkansas.—House §502(b), no comparable Senate section—Senate recedes.

363(c) Des Plaines River, Illinois.—House §502(c), no comparable Senate section—Senate recedes.

363(d) Alpena Harbor, Michigan.—House §502(d), no comparable Senate section—Senate recedes.

363(e) Ontonagon Harbor, Ontonagon County, Michigan.—House §502(e), no comparable Senate section—Senate recedes.

363(f) Knife River Harbor, Minnesota.—House §502(f), no comparable Senate section—Senate recedes.

363(g) Cliffwood Beach, New Jersey.—House §502(g), Senate §216—Senate recedes.

SEC. 364 PROJECT DEAUTHORIZATIONS

364(1) Branford Harbor, Connecticut.—House §501(11), Senate §103(a)—House recedes.

364(2) Bridgeport Harbor, Connecticut.—House §501(12), Senate 103(b)—House recedes.

364(3) Guilford Harbor, Connecticut.—House §501(9), Senate §103(c)—House recedes.

364(4) Mystic River, Connecticut.—House §501(5), no comparable Senate section—Senate recedes.

364(5) Norwalk Harbor, Connecticut.—House §501(b), Senate §103(d)—House recedes.

364(6) Patchogue River, Westbrook, Connecticut.—No comparable House or Senate section.

364(7) Southport Harbor, Connecticut.—House §501(7), Senate §103(e)—House recedes.

364(8) Stony Creek, Connecticut.—House §501(8), Senate §103(f)—House recedes.

364(9) East Boothbay Harbor, Maine.—Senate §103(h), no comparable House section—House recedes.

364(10) Kennebunk River, Maine.—House §501(9), no comparable Senate section—Senate recedes.

364(11) York Harbor, Maine.—House §501(10), Senate §103(i)—House recedes.

364(12) Chelsea River, Boston Harbor, Massachusetts.—House §501(11), no comparable Senate section—Senate recedes.

364(13) Cohasset Harbor, Massachusetts.—House §501(12), Senate §103(j)—House recedes.

364(14) Falmouth, Massachusetts.—House §501(13), no comparable House section—House recedes.

364(15) Mystic River, Massachusetts.—House §501(14), Senate section—Senate recedes.

364(16) Reservoir Channel, Boston, Massachusetts.—House §501(15), no comparable Senate section—Senate recedes.

364(17) Weymouth-Fore and Town Rivers, Massachusetts.—House §501(16), no comparable Senate section—Senate recedes.

364(18) New River, New Hampshire.—House §501(17), Senate §103(t)—House recedes.

364(19) Merrimack River, New Hampshire.—House §501(18), Senate §103(m)—House recedes.

364(20) Ossawatig River, Ogdensburg, New York.—House §501(19), Senate §103(n)—Senate recedes.

364(21) Conneaut Harbor, Ohio.—House §501(20), no comparable Senate section—Senate recedes.
The House bill included three sections which addressed sediment management issues in differing ways—Section 217: Long-term Sediment Management Strategies; Section 316: Port of New York-New Jersey Sediment Study; and, Section 511: Great Lakes Sediment Reduction. The conference agreement combines these three sections into a new section 216. In combining these sections, the managers have sought to avoid duplication in the provisions, but not to reduce the effectiveness of the provisions.

This section does not confer or imply any new regulatory authority of the Corps of Engineers, the Environmental Protection Agency, or any other agency.

SEC. 217. EXTENSION OF JURISDICTION OF MISSISSIPPI RIVER COMMISSION.

House §514, Senate §322—Senate recedes.

SEC. 218. SENSE OF CONGRESS REGARDING ST. LAWRENCE SEAWAY TOLLS.

House §598, no comparable Senate section—Senate recedes.

SEC. 219. RECREATION PARTNERSHIP INITIATIVE.

House §516, no comparable Senate section—Senate recedes with an amendment.

SEC. 220. FIELD OFFICE HEADQUARTERS FACILITIES.

House §523, no comparable Senate section—Senate recedes.

SEC. 221. EARTHQUAKE PREPAREDNESS CENTER OF EXPERTISE.

House §527, no comparable Senate section—Senate recedes with an amendment.

SEC. 222. JACKSON COUNTY, ALABAMA.

House §526, no comparable Senate section—Senate recedes with an amendment.

SEC. 223. BENTON AND WASHINGTON COUNTIES, ARKANSAS.

House §529, no comparable Senate section—Senate recedes.

SEC. 224. HEBER SPRINGS, ARKANSAS.

Senate §202, no comparable House section—House recedes.

SEC. 225. MORGAN POINT, ARKANSAS.

Senate §203, no comparable House section—House recedes with an amendment.

SEC. 226. CALAVERAS COUNTY, CALIFORNIA.

House §530, no comparable Senate section—Senate recedes with an amendment to Subsections (a), (c), (d) and (e).

This provision does not authorize direct participation by the Corps of Engineers in the construction of projects to address water quality degradation caused by abandoned mines in the watershed of the lower Mokelume River.

SEC. 227. FAULKNER ISLAND’S, MARYLAND.

House §105(a)(1), Senate §320—House recedes.

SEC. 228. EVERGLADES AND SOUTH FLORIDA ECOSYSTEM RESTORATION.

House §531, no comparable Senate section—Senate recedes with an amendment.

This section, and related sections authorizing the creation of new activities in the Everglades, authorizes the restoration, preservation, and protection of the South Florida ecosystem. The provision requires the Secretary, in consultation with the South Florida Ecosystem Restoration Task Force (Task Force), to develop a comprehensive plan involving Army Corps water resources projects for the purpose of Everglades restoration.

Successful collaboration among the Army, other Federal agencies, the State of Florida, and Indian tribes has occurred in recent years on this effort and the Task Force is to continue after the date of enactment of this Act.

To ensure successful implementation of the restoration effort, the Secretary is urged to involve the Task Force and the South Florida Water Management District in the development of the Comprehensive Plan.
This section clarifies that the Central and Southern Florida Project, as authorized in Section 203 of the Flood Control Act of 1948 (62 Stat. 1176) must incorporate features to provide for the protection of water quality as a means of achieving the original project purpose of preservation of fish and wildlife resources. The Secretary is authorized to develop specific water quality related project features which are essential to Everglades restoration. In such cases, the provision authorizes Federal funding at a level not to exceed fifty percent of the overall project costs.

This section authorizes an appropriation of $75 million for each of the three fiscal years for the construction of projects determined by the Secretary to be critical to the restoration of the Everglades. The Secretary shall not expend more than $25 million for any one project under this authority. In carrying out the authority provided by this section, the Secretary shall give priority to the following five projects or studies: (1) Levee 28 modifications; (2) Florida Keys carrying capacity; (3) melaleuca control in the Everglades Restoration Area; (4) East Coast Canal Divide Structure, St. Lucie and Indian River Lagoon; and (5) Tamiami Trail Culver City. Customary and traditional uses of affected public lands, including access and transportation, shall continue to be permitted where appropriate, in accordance with management plans of the respective Federal and State management agencies.

Over the past decades, various State and local agencies have developed land use plans within the boundaries of the Everglades Restoration Area. The Secretary is directed to take these efforts into consideration as the Comprehensive Plan is developed. In addition, the Legislature of the State of Florida has recognized the importance of the Lake Belt Area of Dade County for the provision of a long-term domestic supply of aggregates, cement, and road base material. The Secretary is directed to take into consideration the Lake Belt Plan and its objectives, as defined by the State Legislature, during development of the Comprehensive Plan.

In carrying out the activities authorized by this section, the Secretary is directed, to the extent feasible and appropriate, to integrate previously authorized restoration activities. The Secretary shall employ sound scientific principles while seeking innovative and adaptive methods of management.

The Secretary has appropriately sought consensus at the Federal, State and local levels in developing proposed project modifications for Canals 51 and Canal 11. The Secretary is directed to continue such solicitation for comment and consensus among interested and affected parties before proceeding to the design and implementation of project modifications authorized in this section.

This section clarifies that the Federal cost-share applies to water quality features constructed pursuant to the settlement agreement in United States v. South Florida Water Management District, No. 88-3865-CIV-Hoeveler (S.D.Fla.). Further, it is not intended that Federal cost-sharing apply to the water quality features required under the appendices of the settlement agreement. Nothing included in this section is meant to interfere with or supersede any pending or future judicial proceedings or agreements related to these features.

Recent legislation in the comprehensive program authorized by this section and the substantial Federal and non-Federal financial commitment it authorizes, it is expected that the Secretary will be judicious in making commitments regarding use of the Secretary’s other environmental authorities in this area.

Such authorities include the “1135” program and the new aquatic ecosystem restoration program established in this legislation. These programs are intended to address environmental improvement projects nationwide and should not be used to supplement the projects and activities authorized by this section.

SEC. 529. TAMPA, FLORIDA
House §529, no comparable Senate section—Senate recedes.

SEC. 530. WATERSHED MANAGEMENT PLAN FOR DEEP RIVER BASIN, INDIANA
House §530, no comparable Senate section—Senate recedes.

SEC. 531. SOUTHERN AND EASTERN KENTUCKY
House §531, no comparable Senate section—Senate recedes with an amendment.

SEC. 532. COASTAL WETLANDS RESTORATION PROJECTS, LOUISIANA
House §532, no comparable Senate section—Senate recedes with an amendment.

SEC. 533. SOUTHEAST LOUISIANA
House §533, no comparable Senate section—Senate recedes with an amendment to subsections (b) and (d).

SEC. 534. ASSATEAKEY ISLAND, MARYLAND AND VIRGINIA
House §534, no comparable Senate section—Senate recedes with an amendment.

SEC. 535. CUMBERLAND, MARYLAND
House §535, no comparable Senate section—Senate recedes with an amendment.

SEC. 536. William J. Jennings Randolph Access Road, Garrett County, Maryland
Senate §323, no comparable Senate section—Senate recedes with an amendment.

SEC. 537. POLAR ISLAND, MARYLAND
House §537, no comparable Senate section—Senate recedes with an amendment.

SEC. 538. RIO HONDO, LAMAR COUNTY, TEXAS
House §538, no comparable Senate section—Senate recedes with an amendment.

SEC. 539. WILLIAM J. JENNINGS RANDOLPH ACCESS ROAD, GARRETT COUNTY, MARYLAND
Senate §323, no comparable Senate section—Senate recedes with an amendment.

SEC. 540. NOVA SCOTIA ISLAND, MARYLAND
House §540, no comparable Senate section—Senate recedes with an amendment to subsections (b) and (d).

SEC. 542. LAKE SUPERIOR CENTER, MINNESOTA
House §542, no comparable Senate section—Senate recedes with an amendment.

SEC. 543. LAKESHORE CENTER, MINNESOTA
House §543, no comparable Senate section—Senate recedes with an amendment.

SEC. 544. PAPER ISLAND, MINNESOTA
House §544, no comparable Senate section—Senate recedes with an amendment.

SEC. 545. NUNAVUT
House §545, no comparable Senate section—Senate recedes with an amendment.

SEC. 546. LAKE SUPERIOR CENTER, MINNESOTA
House §546, no comparable Senate section—Senate recedes with an amendment.

SEC. 547. ST. CHARLES COUNTY, MISSOURI, FLOOD PROTECTION
House §547, no comparable Senate section—Senate recedes with an amendment to Subsection (b).

SEC. 548. ST. LOUIS, MISSOURI
House §548, no comparable Senate section—Senate recedes with an amendment.

SEC. 549. LIBBY DAM, MONTANA
Senate §214, no comparable Senate section—House recedes.

SEC. 550. HACKENSACK MEADOWLANDS AREA, NEW JERSEY
House §550, no comparable Senate section—Senate recedes with an amendment.

SEC. 551. HUDSON RIVER HABITAT RESTORATION, NEW YORK
House §551, no comparable Senate section—Senate recedes with an amendment.

SEC. 552. NEW YORK CITY WATERSHED
House §552, no comparable Senate section—Senate recedes with an amendment to Subsections (a), (c), (e) and (i).

SEC. 553. NEW YORK STATE CANAL SYSTEM
House §553, Senate §215—Senate recedes with an amendment.

SEC. 554. ORCHARD BEACH, BRONX, NEW YORK
House §554, Senate §105—no comparable Senate section.

SEC. 555. DREDGED MATERIAL CONTAINMENT FACILITY FOR PORT OF NEW YORK/NEW JERSEY
House §555, no comparable Senate section—Senate recedes with an amendment to Subsection (b).

SEC. 556. QUEENS COUNTY, NEW YORK
House §556, Senate §218—House recedes.

SEC. 557. AMESTOW DAM AND PIPESTEM DAM, NORTH DAKOTA
Senate §219—no comparable House section—House recedes.

SEC. 558. NORTHEASTERN OHIO
House §558, no comparable Senate section—Senate recedes with an amendment.

SEC. 559. OHIO RIVER GREENWAY
House §559, no comparable Senate section—Senate recedes with an amendment.

SEC. 560. GRAND LAKE, OKLAHOMA
House §560, no comparable Senate section—Senate recedes.

SEC. 561. BROAD TOP REGION OF PENNSYLVANIA
House §561, no comparable Senate section—Senate recedes.

SEC. 562. CURWENSVILLE LAKE PENNSYLVANIA
House §562, no comparable Senate section—Senate recedes.

SEC. 563. LAKESHORE CENTER, MINNESOTA
House §563, no comparable Senate section—Senate recedes.

SEC. 564. HOPPER DREDGE MCFARLAND
House §564, no comparable Senate section—Senate recedes with an amendment.

SEC. 565. PHILADELPHIA, PENNSYLVANIA
House §565, no comparable Senate section—Senate recedes with an amendment to Subsection (a) and (g).

The conference report adds language to section 564 which would have the Army Corps of Engineers complete a report that certain of the elements authorized in that section be found to be technically sound, environmentally acceptable, and economic, as applicable. The Corps is directed to make such a determination expeditiously. In addition, the benefits of some of the work authorized in this section are historic or environmental in nature. Historic and environmental benefits associated with such projects are not susceptible to quantification and monetization. Consistent with the policies of the Corps and Congressional direction, historic and environmental projects should not be subject to the usual economic
analysis which evaluates projects for flood control, navigation and the like.

SEC. 565 SOUTHEASTERN PENNSYLVANIA
House §566, no comparable Senate section—Senate recedes with an amendment.

SEC. 566 UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK
House §566, no comparable Senate section—Senate recedes with an amendment to Subsection (a).

SEC. 567 WILLS CREEK, HYNDMAN, PENNSYLVANIA
House §568, no comparable Senate section—Senate recedes with an amendment.

SEC. 568 BLACKSTONE RIVER VALLEY, RHODE ISLAND AND MASSACHUSETTS
House §570, no comparable Senate section—Senate recedes.

SEC. 570 DREDGED MATERIAL CONTAINMENT FACILITY FOR PORT OF PROVIDENCE, RHODE ISLAND
No comparable House or Senate section.

SEC. 571 QUONSET POINT-DAVISHVILLE, RHODE ISLAND
Senate §336, no comparable House section—House recedes.

SEC. 572 EAST RIDGE, TENNESSEE
House §571, no comparable Senate section—Senate recedes with an amendment.

SEC. 573 MURFREESBORO, TENNESSEE
House §572, no comparable Senate section—Senate recedes with an amendment.

SEC. 574 TENNESSEE RIVER, HAMILTON COUNTY, TENNESSEE
House §1043(h), no comparable Senate section—Senate recedes with an amendment.

SEC. 575 HARRIS COUNTY, TEXAS
House §577, no comparable Senate section—Senate recedes.

SEC. 576 NABASCO CREEK, VIRGINIA
House §575, no comparable Senate section—Senate recedes.

SEC. 577 TANGIER ISLAND, VIRGINIA
House §578, no comparable Senate section—Senate recedes.

SEC. 578 PIERCE COUNTY, WASHINGTON
House §579, no comparable Senate section—Senate recedes with an amendment.

SEC. 579 GREENBRIER RIVER BASIN, WEST VIRGINIA, FLOOD PROTECTION
House §580, no comparable Senate section—Senate recedes with an amendment to Subsection (a), (c) and (d).

SEC. 580 LOWER MUD RIVER, MILTON, WEST VIRGINIA
House §582, no comparable Senate section—Senate recedes with an amendment.

SEC. 581 WEST VIRGINIA AND PENNSYLVANIA GLOBAL SYSTEMS CORPORATION
House §583, no comparable Senate section—Senate recedes with an amendment to Subsections (a), (c) and (d).

SEC. 582 SITE DESIGNATION
No comparable House or Senate section.

SEC. 583 LONG ISLAND SOUND
No comparable House or Senate section.

SEC. 584 WATER QUALITY MONITORING STATION
No comparable House or Senate section.

SEC. 585 OVERFLOW MANAGEMENT FACILITY
No comparable House or Senate section.

SEC. 586 PRIVATIZATION OF INFRASTRUCTURE ASSETS
No comparable House or Senate section.

Title VI—Extension of Expenditure Authority
Under Harbor Maintenance Trust Fund

SEC. 601 EXTENSION OF EXPENDITURE AUTHORITY UNDER HARBOR MAINTENANCE TRUST FUND
House §601, no comparable Senate section—Senate recedes.

Coordination
The Conferences are aware that groundwater contamination at the Sierra Army Depot, migration of this contamination into the Honey Valley Groundwater Basin, and the impact of such contamination on a proposed project to transfer water to the Reno-Sparks Metropolitan Area. The Secretary is to instruct the appropriate Army Headquarters officials to meet with affected parties and to determine fair compensation to those who have, in good faith, invested in this project but have been damaged by this unfortunate contamination problem.

National Center for Nonfabrication and Molecular Self-Assembly
The managers on the part of the House have receded to the Senate on House amendment section 585, the National Center for Nanofabrication and Molecular Self-Assembly. That section would have authorized the Secretary to provide assistance for the center in Evanston, Illinois.

This assistance would better be provided through the Director of the National Institute of Environmental Health Sciences than through the Secretary of the Army. The proponents of the center are encouraged to work with the Director to receive any necessary or appropriate assistance. Similarly, the Director is encouraged to explore ways of providing any needed assistance to the center.

BUD SHUSTER, DON YOUNG, SHERWOOD BOEHLERT, JUANITA MILLS, ROBERT A. BORSKI, MANAGERS ON THE PART OF THE HOUSE
JOHN H. CHAFFEE, JOHN WARNER, SHERWOOD BOEHLERT, MANAGERS ON THE PART OF THE SENATE.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND AMENDMENTS ACT OF 1996

Mr. OXLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3391) to amend the Solid Waste Disposal Act to require at least 85 percent of funds appropriated to the Environmental Protection Agency from the Leaking Underground Storage Tank Trust Fund to be distributed to States for cooperative agreements for undertaking corrective action and for enforcement of subtitle I of such Act, as amended.

The Clerk read as follows:

Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3391) to amend the Solid Waste Disposal Act to require at least 85 percent of funds appropriated to the Environmental Protection Agency from the Leaking Underground Storage Tank Trust Fund to be distributed to States for cooperative agreements for undertaking corrective action and for enforcement of subtitle I of such Act, as amended.

This Act may be cited as the "Leaking Underground Storage Tank Trust Fund Amendments Act of 1996".

SECTION 1. SHORT TITLE.
This Act may be cited as the "Leaking Underground Storage Tank Trust Fund Amendments Act of 1996".

SECTION 2. LEAKING UNDERGROUND STORAGE TANKS.
(a) TRUST FUND DISTRIBUTION—Section 9003(h)(7)(A) of the Solid Waste Disposal Act (42 U.S.C. 9003(h)(7)) is amended by adding at the end the following new subsection:

"(f) Trust Fund Distribution to States.—

(1) General.—(A) The Administrator shall distribute to States at least 85 percent of the funds appropriated to the Environmental Protection Agency from the Leaking Underground Storage Tank Trust Fund (in subsection referred to as the `Trust Fund') each fiscal year for the reasonable costs under cooperative agreements entered into with the Administrator for the following:

"(i) States' actions under section 9003(h)(7)(A).

(ii) Necessary administrative expenses directly related to corrective action and compensation programs under section 9004(c)(1).

(iii) Enforcement of a State or local program approved under this section or enforcement of this subtitle by any other State or local provisions by a State or local government.

(iv) State and local corrective actions pursuant to regulations promulgated under section 9003(c)(4).

(v) Corrective action and compensation programs under section 9004(c)(1) for releases from underground storage tanks regulated under this subtitle in any instance, as determined by the State, in which the financial resources provided by programs under section 9004(c)(1) are not adequate for the cost of a corrective action without significantly impairing the ability of the owner or operator to continue in business.

(B) Funds provided by the Administrator under subparagraph (A) may not be used by States for purposes of providing financial assistance to an owner or operator in meeting the requirements respecting underground storage tanks contained in section 282.21 of title 40 of the Code of Federal Regulations (as in effect on the date of the enactment of this subsection) or similar requirements in State programs approved under this section or similar State or local provisions.

(2) ALLOCATION.—

(A) PROCESS.—In the case of a State that the Administrator has entered into a cooperative agreement with under section 9003(h)(7)(A), the Administrator shall distribute funds from the Trust Fund to the State using the allocation process developed by the Administrator for such cooperative agreements.

(B) REVISIONS TO PROCESS.—The Administrator may revise such allocation process only after—

(i) consulting with State agencies responsible for overseeing corrective action for releases from underground storage tanks and with representatives of owners and operators; and

(ii) taking into consideration, at a minimum, the total revenue received from each State into the Trust Fund, the number of confirmed releases from leaking underground storage tanks in each State, the number of notified petroleum storage tanks in each State, and the percent of the population of each State using groundwater for any beneficial purpose.

(3) RECIPIENTS.—Distributions from the Trust Fund under this subsection shall be made directly to the State agency entering into a cooperative agreement or enforcing the State program.

(4) COST RECOVERY PROHIBITION.—Funds provided to States from the Trust Fund to owners or operators for programs under section 9004(c)(1) for releases from underground storage tanks are not subject to cost recovery by the Administrator under section 9003(h)(6)."

(b) CONFORMING AMENDMENT.—Section 9003(c)(1) of the Internal Revenue Code of 1986 is amended by inserting in the first period at the end the following: "and to carry out section 9004(f) of such Act".
In 1986, Congress created the leaking underground storage tank trust fund, paid for with a one-tenth of 1 cent tax on gasoline. The fund is used to enforce cleanup requirements; conduct cleanups when there is no solvent responsible party; require owners to address the concerns raised by the minority on the Commerce Committee. I want to thank Chairman Oxley and Mr. Schaefer for working to address the concerns raised by the minority on the Commerce Committee. This bill should enable States to better distribute the limited resources that they have for leaking underground storage tanks, and I urge my colleagues to support the measure.

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

Mr. OXLEY. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. MANTON], my ranking member, and the gentleman from Michigan [Mr. STUPAK], for their hard work on this measure and for working closely with other members of the Commerce Committee to gain strong bipartisan support of the bill. Their efforts greatly facilitated negotiations regarding this legislation and I believe members of the committee agree that its provisions do meet the needs expressed by stakeholders.

Mr. Speaker, EPA reports that currently there are approximately 300,000 faulty underground storage tanks, confirming the widespread impact of this problem. In an effort to address this problem, H.R. 3391, the Resource Conservation and Recovery Act, and the leaking underground storage tank trust fund money for the States. I would like to commend my colleagues, Chairman Oxley and Schaefer and Mr. Stupak, for their hard work on this measure and for working closely with other members of the Commerce Committee to gain strong bipartisan support of the bill. Their efforts greatly facilitated negotiations regarding this legislation and I believe members of the committee agree that its provisions do meet the needs expressed by stakeholders.

Mr. SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. OXLEY] and the gentleman from Michigan [Mr. STUPAK] each will control 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Mr. Speaker, I yield myself such time as I may consume. (Mr. Oxley asked and was given permission to revise and extend his remarks.)

Mr. OXLEY. Mr. Speaker, this legislation improves the Underground Storage Tank Program, which States are already well protecting human health and environment from petroleum and other tank leaks. With Federal financial assistance, States have secured cleanup of about 140,000 sites.

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Mr. OXLEY. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. MANTON], my ranking member, and the gentleman from Michigan [Mr. STUPAK], for their leadership on this important issue.

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

Mr. MANTON. Mr. Speaker, I yield myself such time as I may consume. (Mr. MANTON asked and was given permission to revise and extend his remarks.)

Mr. MANTON. Mr. Speaker, I rise today in support of H.R. 3391, the Leaking Underground Storage Tank Amendment Act. By adopting this bill, the House will make some incremental improvement to the distribution and utilization of Federal leaking underground storage tank trust fund money for the States. I would like to commend my colleagues, Chairman Oxley and Schaefer and Mr. Stupak, for their hard work on this measure and for working closely with other members of the Commerce Committee to gain strong bipartisan support of the bill. Their efforts greatly facilitated negotiations regarding this legislation and I believe members of the committee agree that its provisions do meet the needs expressed by stakeholders.

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Mr. SCHAEFER. I thank the gentleman from Ohio [Mr. OXLEY] and the gentleman from Michigan [Mr. STUPAK], for their hard work on this measure and for working closely with other members of the Commerce Committee to gain strong bipartisan support of the bill. Their efforts greatly facilitated negotiations regarding this legislation and I believe members of the committee agree that its provisions do meet the needs expressed by stakeholders.

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Mr. SCHAEFER. I thank the gentleman from Ohio [Mr. OXLEY] for yielding me this time.

Again, I want to thank Chairman Oxley and Mr. Schaefer for working to address the concerns raised by the minority on the Commerce Committee. This bill should enable States to better distribute the limited resources that they have for leaking underground storage tanks, and I urge my colleagues to support the measure.

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Mr. Speaker, I reserve the balance of my time.
Mr. Speaker, last spring, Congressman BART STUPAK and I introduced H.R. 3391, the Leaking Underground Storage Tank Trust Fund Amendments Act of 1996. The bill’s objectives are to give States more financial stability in operating their underground storage tank programs and greater flexibility to address unique environmental problems, particularly in rural America. H.R. 3391 has substantial bipartisan co-sponsorship and diverse private sector support. Among the bill’s supporters: The Association of State and Territorial Solid Waste Management Officials; The National School Boards Association; The Petroleum Marketers Association of America; The National Association of Convenience Stores; The Society of Independent Gasoline Marketers of America; The Service Station Dealers of America; and The National Automobile Dealers Association.

Prior to introduction and as the bill moved forward, we solicited and received suggestions on how best to achieve our objectives—program flexibility and stability. EPA, Members from both parties, State regulators and industry all made meaningful contributions to H.R. 3391. As a result, the final product we have before us today meets our initial goals, with a strong emphasis on quicker cleanups and stricter enforcement. The so-called LUST Program was first enacted in 1984. The trust fund followed in 1986. The current LUST statute allows States to spend the Federal LUST trust fund money in a limited number of instances—mainly for corrective actions where an owner is unable or unwilling to clean up a leak. Along with the corrective action standards for leaking tanks, the LUST statute also requires owners and operators of underground storage tanks to meet certain standards. The deadline for compliance with these tank standards is 1998. When implemented, the improvements will increase the amount of funding available for contaminated sites, increase the amount of money for State enforcement, and guarantee that the money the Congress appropriates for this program is received by the States.

First, I want to thank Chairmen Tom Bliley and Mike Oxley, ranking members John Dingell and Tom Manton, for all the support this bill has received in subcommittee and the full committee to bring it before the House today. Most of all, I would like to thank Energy and Power chairman, Mr. Schaefer, for his determination to reach a strong bipartisan consensus on this important bill. I very much appreciate his efforts to work with me on this measure.

The Leaking Underground Storage Tank Program is one of the most important and least known environmental programs run by the Federal Government. The 1994 report to Congress of the National Water Quality Inventory states that leaking underground storage tanks are the most frequent cause of groundwater contamination. Unfortunately, the Committee on Appropriations does not feel our Nation’s ground water is such a high priority. Last year the Committee on Appropriations cut the President’s request by 40 percent. This year, the Committee on Appropriations once again cut the President’s request by more than 33 percent.

The Committee on Appropriations’ actions are even more frustrating because the Leaking Underground Storage Tank Program is funded through a tax collected on petroleum products. Currently, the leaking underground storage tank, or LUST, trust fund, has a $1 billion surplus.

I will continue to join with my colleagues, especially the gentleman from Colorado [Mr. Schaefer], in the fight to increase the appropriation to this program.

This program came to my attention upon concerns by my constituents, especially up in Trenary, MI, when I discovered that my State’s Leaking Underground Storage Tank Program became insolvent due to improper management and improper funding. In Michigan, the fund is not accepting new claims, and cleanups on leaking tanks have all but ceased.

Although I believe that this legislation being discussed today is a very important step in cleaning up leaking tanks, I also know that States, and Michigan in particular, will renew their commitment to this program. Beyond any doubt, H.R. 3391 will make improvements to the program. The improvements will increase the amount of funding available for contaminated sites, increase the amount of money for State enforcement, and guarantee that the Congress appropriates for this program is received by the States.

This legislation does not completely turn this program over to the States. We have maintained a strong role for the EPA in this legislation by preserving the current cooperative agreement between the States and the Federal Government. This bill will uphold the Federal role in the LUST Program and strengthens the Federal-State partnership that has been so successful since the program’s inception. Mr. Speaker, I want to thank the leadership of the Committee on Commerce and this House for expediting this legislation offered by the gentleman from Colorado [Mr. Schaefer] and myself. We are determined to encourage a more flexible use of Federal resources while continuing to hold polluters responsible for their waste.

Mr. MANTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.
area that Washington has thankfully stayed out of, leaving the issue of what type of financial assistance programs to design to the States. I wish to emphasize that the prohibition is simply designed to maintain the historic balance of State and Federal concerns, and there is no suggestion, either express or implied, that States should not set up financial assistance programs.

Mr. Speaker, this is a good bill, and I urge all of my colleagues to support H.R. 3391.

Mr. BEREUER. Mr. Speaker, this Member rises in support of H.R. 3391, the Leaking Underground Storage Tank Amendments Act. As a co-sponsor of the legislation, this Member would like to commend the distinguished gentleman from Colorado [Mr. SCHRAPER] and the distinguished gentleman from Michigan [Mr. STUPAK] for introducing this bill and working for its enactment.

Across the Nation, leaking underground storage tanks present a hazard which must be addressed. Unfortunately, less than half of the identified leaking tanks have been remedied. In addition, there are likely thousands of other underground storage tanks which require action.

This legislation improves the current situation by distributing more money from the existing trust fund to the States where it belongs. The trust fund was established by Congress in 1986 and currently contains about $1 billion. Although this fund was intended to provide assistance in the cleanup of underground storage tanks, far too much of the money in the trust fund has been used to offset general Federal spending.

This Member certainly believes that the money in the trust fund should for used for the purposes for which it was originally intended: money simply accumulating in the trust fund obviously does not address the current needs. The large number of remaining leaking underground storage tanks sites to be addressed is evidence that the States certainly could use this money which is currently accumulating in the trust fund. This bill would assist States in more efficiently receiving and disbursing money from the trust fund. It would also give the States increased flexibility in the use of money from the trust fund.

This Member urges his colleagues to support H.R. 3391.

Mr. OXLEY. 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 Ohio [Mr. OXLEY] that the House suspend the rules and pass the bill, H.R. 3391, 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. OXLEY. 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. 3391, as amended.

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

There was no objection.

FEDERAL EMPLOYEES EMERGENCY LEAVE TRANSFER ACT OF 1996

Mr. MICA. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 868) to provide authority for leave transfer for Federal employees who are adversely affected by disasters or emergencies, and for other purposes, as amended.

The Clerk read as follows:

S. 868

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

TITLE I—EMERGENCY LEAVE TRANSFERS

SEC. 101. SHORT TITLE. This title may be cited as the “Federal Employees Emergency Leave Transfer Act of 1996”.

SEC. 102. AUTHORITY.

(a) In General.—Chapter 63 of title 5, United States Code, is amended by adding after subchapter V the following new subchapter:

“SUBCHAPTER VI—LEAVE TRANSFER IN DISASTERS AND EMERGENCIES

§ 6391. Authority for leave transfer program in disasters or emergencies

(a) For the purpose of this section—

(1) ‘employee’ means an employee as defined in section 6331(1); and

(2) ‘agency’ means an Executive agency.

(b) In the event of a major disaster or emergency, as declared by the President, that results in severe adverse effects for a substantial number of employees, the President may direct the Office of Personnel Management to establish an emergency leave transfer program under which any employee in any agency may donate unused annual leave for transfer to employees of the same or other agencies who are adversely affected by that disaster or emergency.

(c) The Office of Personnel Management shall establish appropriate requirements for the operation of the emergency leave transfer program under subsection (b), including appropriate limitations on the donation and use of annual leave under the program. An employee may receive and use leave under the program without regard to any requirement as to prior sick leave or a leave recipient’s credit must be exhausted before any transferred annual leave may be used.

(d) A leave bank established under subchapter IV may, to the extent provided in regulations prescribed by the Office of Personnel Management, donate annual leave to the emergency leave transfer program established under subsection (b).

(e) Except to the extent that the Office of Personnel Management may prescribe by regulation, nothing in section 7511 shall apply to any solicitation, donation, or acceptance of leave under this section.

(f) The Office of Personnel Management shall prescribe regulations necessary for the administration of this section.

(b) CLERICAL AMENDMENT.—The analysis for chapter 63 of title 5, United States Code, is amended by adding at the end thereof the following:

“SUBCHAPTER VI—LEAVE TRANSFER IN DISASTERS AND EMERGENCIES

§ 6391. Authority for leave transfer program in disasters or emergencies”.

SEC. 103. EFFECTIVE DATE. The amendments made by section 102 shall take effect on the date of enactment of this Act.

TITLE II—VETERANS’ PREFERENCE

SEC. 201. SHORT TITLE. This title may be cited as the “Veterans Employment Opportunities Act of 1996”.

SEC. 202. EQUAL ACCESS FOR VETERANS.

(a) In General.—Section 3304 of title 5, United States Code, is amended by adding at the end the following:

“(1) No preference or other individual (other than a preference eligible) who has been separated from the armed forces under honorable conditions after 3 or more years of active service, shall be denied the opportunity to compete for an announced vacant position within an agency, in the competitive service or the excepted service, by reason of—

(A) not having acquired competitive status; or

(B) not being an employee of such agency.

(2) This section shall apply to all competitions for positions for which applications are being or will soon be accepted from outside the agency’s work force; and

(3) This section shall, for all positions under subsection (2), apply and for all positions under subsection (b), include a notation as to the applicability of section 3304(f) with respect thereto.

(b) CIVIL SERVICE EMPLOYMENT INFORMATION.—Section 7513 of title 5, United States Code, is amended by striking “and” at the end of paragraph (3), and by inserting after paragraph (3) the following:

“(4) The Veterans’ Preference Clause of title 5, United States Code, shall be construed to mean—

(A) Any notification provided under this section shall, for all positions under subsection (b), as to which section 3304(f) applies and for all positions under subsection (b)(2), include a notation as to the applicability of section 3304(f) with respect thereto.

(b) CIVIL SERVICE EMPLOYMENT INFORMATION.—Section 7513 of title 5, United States Code, is amended by striking “and” at the end of paragraph (3), and by inserting after paragraph (3) the following:

“(4) The Veterans’ Preference Clause of title 5, United States Code, shall be construed to mean—

(A) Any notification provided under this section shall, for all positions under subsection (b)(2), include a notation as to the applicability of section 3304(f) with respect thereto.

(b) CIVIL SERVICE EMPLOYMENT INFORMATION.—Section 7513 of title 5, United States Code, is amended by striking “and” at the end of paragraph (3), and by inserting after paragraph (3) the following:

“(4) The Veterans’ Preference Clause of title 5, United States Code, shall be construed to mean—

(A) Any notification provided under this section shall, for all positions under subsection (b)(2), include a notation as to the applicability of section 3304(f) with respect thereto.

(b) CIVIL SERVICE EMPLOYMENT INFORMATION.—Section 7513 of title 5, United States Code, is amended by striking “and” at the end of paragraph (3), and by inserting after paragraph (3) the following:

“(4) The Veterans’ Preference Clause of title 5, United States Code, shall be construed to mean—

(A) Any notification provided under this section shall, for all positions under subsection (b)(2), include a notation as to the applicability of section 3304(f) with respect thereto.
(2) ADDITIONAL INFORMATION.—Section 3330(c) of title 5, United States Code, is amended by striking "and" at the end of paragraph (2), by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following:

"(3) for all positions under subsection (b)(1) as to which section 3304(f) applies and for all positions as to which section 3304(f)(2) applies (as determined by the Postal Service), any change in duties for the successful applicant or any other individual described in section 3304(f)(2) is not considered as affecting the applicability of section 3304(f) with respect thereto; and"

(3) CONFORMING AMENDMENT.—Section 3330(d) of title 5, United States Code, is amended by striking "The list" and inserting "Each list under subsection (b)".

(4) PROHIBITION AGAINST RELATING TO THE UNITED STATES POSTAL SERVICE.—

(1) IN GENERAL.—Subsection (a) of section 1005 of title 39, United States Code, is amended by adding at the end the following:

"(5)(A) The provisions of section 3304(f) of title 5 shall apply with respect to the Postal Service in the same manner and under the same conditions as if the Postal Service were an agency within the meaning of such provisions.

"(B) Nothing in this subsection shall be considered to require that the Postal Service accept an application from a preference eligible or any other individual described in paragraph (3), if it does not last for at least 12 months prior to the date on which such individual was placed in such position, such individual had been employed in the same competitive area as the preference eligible; or

"(C) The provisions of this paragraph shall not be modified by any program developed under section 1004 of this title or any collective-bargaining agreement."
"(1) Any preference eligible or other individual described in section 3304(f)(1) who alleges that an agency has violated such individual's rights under any statute or regulation relating to veterans' preference, or any right afforded such individual by section 3304(f)(1), may file a complaint in accordance with section 3304(f)(1) with the Merit Systems Protection Board in accordance with such procedures as the Merit Systems Protection Board shall prescribe, except that in no event may any such appeal be considered unless the complaint is filed within 60 days after the date on which such complaint is filed.

"(2) A complaint under this subsection must be filed within 60 days after the date of the act complained of, and the agency shall process such complaint in accordance with sections 3323(a) through (c) and 3326 of title 5.

"(a) If the Merit Systems Protection Board in a proceeding under section 3304(a) or a court (in a proceeding under section 3304(b)) determines that an agency has violated a right described in section 3304(a), the Board or court shall under the agency to comply with such provisions and award compensation for any loss of wages or benefits suffered by the individual, by reason of the violation, plus interest. If the Board or court determines that such violation was willful, it shall award an amount equal to double the amount described in the preceding sentence as to which it is received, and the administrative proceeding to which it relates shall terminate immediately upon the receipt of such election.

"(b) A preference eligible or other individual described in section 3304(f)(1) who prevails in an action under section 3304(a) or (b) shall be entitled to reasonable attorney fees, expert witness fees, and other litigation expenses.

"(2) An appeal under this subsection must be filed within 60 days after the date on which the appeal is filed with the Merit Systems Protection Board under section 3304(b), or

"(3) The Office of Personnel Management shall issue regulations to implement this subsection.

"(2) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect with respect to a position the rate of basic pay for which is at least equal to the rate of basic pay for a senior executive service position with the President makes certification—

(2) APPLICABILITY.—Notwithstanding any provision of this subsection, the term "covered employee" shall not, for purposes of this subsection, include an employee—

(3) EXPEDITED PROCEDURES.—The rights and protections established under section 3308, sections 3309 through 3312, and subchapter I of chapter 25 of title 5, United States Code, shall apply to covered employees.

"(3) REGULATIONS TO IMPLEMENT SUBSECTION.—

(1) IN GENERAL.—The Board shall, pursuant to section 304 of the Congressional Accountability Act of 1995 (2 U.S.C. 1384), issue regulations to implement this subsection.

(2) Agency regulations issued under subparagraph (A) shall be consistent with the regulations promulgated to implement the statutory provisions referred to in paragraph (2) of such title.
Section 207. DEFINITIONAL AMENDMENT

SEC. 208. ADDITIONAL INVESTMENT FUNDS FOR THE THRIFT SAVINGS PLAN

Subtitle A—Additional Investment Funds for the Thrift Savings Plan

SEC. 301. SHORT TITLE

This subtitle may be cited as the “Thrift Savings Act of 1996.”

SEC. 302. ADDITIONAL INVESTMENT FUNDS FOR THE THRIFT SAVINGS PLAN

Section 8438 of title 5, United States Code, is amended—

(i) in subsection (a)—

(A) by redesigning paragraphs (5) through (8) as paragraphs (6) through (9), respectively;

(B) by inserting after paragraph (4) the following new paragraph:

(5) the term ‘International Stock Index Investment Fund’ means the International Stock Index Investment Fund established under subsection (b)(1)(E); and

(c) in paragraph (5) as redesignated by subparagraph (A) of this paragraph by striking “and” at the end thereof;

(d) in paragraph (9) as redesignated by subparagraph (A) of this paragraph by—

(i) by striking out ‘paragraph (7)(D)’ in each place it appears and inserting in each such place ‘paragraph (8)(D)’;

(ii) by striking out the period and inserting in lieu thereof a semicolon and “and”;

and

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

(10) the term ‘Small Capitalization Stock Index Investment Fund’ means the Small Capitalization Stock Index Investment Fund established under subsection (b)(1)(D); and

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

(A) the term ‘judicial officer’ means a judicial officer;

and

(B) an appointment made by the President, with the advice and consent of the Senate;

(C) an appointment as a law clerk or secretary to a justice or judge of the United States;

or

(D) an appointment to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3309 through 3312, of title 5, United States Code).

SEC. 310. EFFECTIVE DATE

This subtitle shall take effect on the effective date of enactment of this Act, and the Funds established under this subtitle shall be offered for investment at the earliest practicable date (as defined under section 3132(b) of title 5, United States Code) as determined by the Executive Director in regulations.

Subtitle B—Thrift Savings Accounts

Liquidity

SEC. 311. SHORT TITLE

This subtitle may be cited as the “Thrift Savings Accounts Act of 1996.”

SEC. 312. NOTICE TO SPOUSES FOR IN-SERVICE WITHDRAWALS; DE MINIMIS ACCOUNTS; RETIREMENT SYSTEM PARTICIPANTS

Section 832(b) of title 5, United States Code, is amended—

(1) in paragraph (5)—

(A) in subparagraph (B)—

(i) by striking out “an election, change of election, or modification (relating to the commencement date of a deferred annuity)” and inserting in lieu thereof “an election or change of election”;

(ii) by inserting “or withdrawal” after “a loan”; and

(iii) by inserting “and (h)” after “§433(g)”; and

(B) by striking out the election or change of election; and

(C) in paragraph (9) by striking out “for such loan” and adding in lieu thereof “or withdrawal” after “of loans”;

(2) by inserting “or withdrawal” after “of loans”; and

(3) by adding in lieu thereof “An election, change of election, or modification (relating to the commencement date of a deferred annuity)” and inserting in lieu thereof “an election or change of election”; and

SEC. 313. IN-SERVICE WITHDRAWALS; DE MINIMIS ACCOUNTS; FEDERAL EMPLOYEES RETIREMENT SYSTEM PARTICIPANTS

(a) IN GENERAL—Section 8433 of title 5, United States Code, is amended—

(1) by striking out subsections (b) and (c) and inserting in lieu thereof the following:

(2) An employee or Member may request

(i) by striking out “an election, change of election, or modification (relating to the commencement date of a deferred annuity)” and inserting in lieu thereof “an election or change of election”;

(ii) by inserting “or withdrawal” after “a loan”; and

(iii) by inserting “and (h)” after “§433(g)”; and

(b) by striking out “the election, change of election, or modification in lieu thereof “an election or change of election”;

(2) by inserting “or withdrawal” after “of loans”; and

(3) by adding in lieu thereof “An election, change of election, or modification (relating to the commencement date of a deferred annuity)” and inserting in lieu thereof “an election or change of election”;

and

(4) by striking out “for such loan” and adding in lieu thereof “or withdrawal” after “of loans”;

SEC. 314. ACKNOWLEDGEMENT OF INVESTMENT RISK

Section 8439(d) of title 5, United States Code, is amended by striking out “Each employee or former employee, or former Member who elects to invest in the Common Stock Index Investment Fund or the Fixed Income Investment Fund described in paragraphs (1) and (3),” and inserting in lieu thereof “Each employee, Member, former employee, or former Member who elects to invest in—

(A) the International Stock Index Investment Fund, the Fixed Income Investment Fund, the International Stock Index Investment Fund, or the Small Capitalization Stock Index Investment Fund, defined in paragraphs (1), (3), (5), and (10),”.

SEC. 304. EFFECTIVE DATE

This subtitle shall take effect in accordance with section 3103(a) of title 5, United States Code.
Savings Fund in accordance with subsection (b)(2) be transferred to an eligible retirement plan.

(3) The Executive Director shall make each transfer elected under paragraph (2) directly to an eligible retirement plan or plans (as defined in section 402(c)(8) of the Internal Revenue Code of 1986) identified by the employee, Member, former employee, or former Member for whom the transfer is made.

(4) A transfer may not be made for an employee, former employee, or former Member under paragraph (2) until the Executive Director receives from that individual the information or consent required by the Executive Director specifically to identify the eligible retirement plan or plans to which the transfer is to be made.

(ii) by inserting `(A)'; and

(b) by striking out `unless the bankruptcy judge or magistrate elects, at such time and otherwise in such manner as the Executive Director prescribes, one of the options available under subsection (b)'.

SEC. 316. DEFINITION OF BASIC PAY.

(a) In General.—(1) Section 8402(c)(4) of title 5, United States Code, is amended by striking out `except as provided in subchapter III of this chapter,'.

(b) Section 8431 of title 5, United States Code, is repealed.

(c) Section 615(f) of the Treasury, Postal Service, and General Government Appropriations Act, 1996 (Public Law 104-52; 109 Stat. 500; S.U.C. 5343 note) is amended by striking out `section 8431 of title 5, United States Code,'.

SEC. 317. ELIGIBLE ROLLOVER DISTRIBUTIONS.

Section 8402 of title 5, United States Code, is amended by adding at the end the following:

(j)(3) For the purpose of this subsection—

(A) the term `eligible rollover distribution' has the meaning given such term by section 402(c)(4) of the Internal Revenue Code of 1986; and

(b) the term `qualified trust' has the meaning given such term by section 402(c)(8) of the Internal Revenue Code of 1986.

2. An employee or Member may contribute to the Thrift Savings Fund an eligible rollover distribution from a qualified trust. A contribution made under this subsection shall be made in the form described in section 401(a)(3) of the Internal Revenue Code of 1986. In the case of an eligible rollover distribution, the maximum amount transferred to the Thrift Savings Fund shall not exceed the amount which would otherwise have been included in the employee's or Member's gross income for Federal income tax purposes.

(3) The Executive Director shall prescribe regulations to carry out this subsection.

SEC. 318. EFFECTIVE DATE.

(a) Subtitle A shall apply to the effect of the date of the enactment of this Act, and withdrawals, loans, rollovers, and elections as provided under the amendments made by this subtitle shall be made at the earliest practicable date as determined by the Executive Director in regulations.
TITLE IV—PROVISIONS RELATING TO THE CONVERSION OF CERTAIN EXCEPTED SERVICE POSITIONS IN THE UNITED STATES FIRE ADMINISTRATION

SEC. 401. CONVERSION OF POSITIONS.

(a) IN GENERAL.—No later than the date described under subsection (d)(1), the Director of the Federal Emergency Management Agency and the Director of the Office of Personnel Management shall take such actions as necessary to convert each excepted service position established before the date of the enactment of this Act under section 7(c)(4) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2206(c)(4)) to a competitive service position.

(b) Conversion. Any employee who is an employee of the Office of Personnel Management shall be treated as necessary to effectuate such conversion under subsection (a).

(c) Provisions relating to competitive service position.—Any employee employed on the date of the enactment of this Act in an excepted service position converted under subsection (a)—

(1) shall remain employed in the competitive service position so converted without a break in service;

(2) by reason of such conversion, shall have no—

(A) diminution of seniority;

(B) reduction of cumulative years of service; and

(C) requirement to serve an additional probationary period applied; and

(3) shall retain their standing and participation with respect to chapter 83 or 84 of title 5, United States Code, relating to Federal retirement.

(d) Effect on Employees. Any employee who, on and after the date of the enactment of this Act, begins to serve in a competitive service position an employee who is a employee of an excepted service position shall be granted certain provisions of the Employees Retirement System Act of 1974 (2 U.S.C. 3301 et seq.) to the extent applicable to the positions described under subsection (c), the Director of the Office of Personnel Management shall—

(1) provide that such employee shall continue to serve in the competitive service position established under subsection (a); and

(2) provide for a one-time payment to such employee of an amount equal to the difference between—

(A) the employee's current rate of pay; and

(B) the rate of pay that would have been payable to the employee on the date of the enactment of this Act.

(e) Effect on Employees for Employees who are employed by the Federal Fire Prevention and Control Administration of the Department of the Interior, who were employed in positions that are converted pursuant to this section, the Civil Service Commission shall, subject to the direction of the President, make such rules and regulations as are necessary to carry out the provisions of this section.

(f) Effect on Employees for Employees who are employed by the Federal Fire Prevention and Control Administration of the Department of the Interior, who were employed in positions that are converted pursuant to this section, the Civil Service Commission shall, subject to the direction of the President, make such rules and regulations as are necessary to carry out the provisions of this section.

(g) Exception to Provisions. Any employee employed on the date of the enactment of this Act in an excepted service position converted under subsection (a) shall retain their standing and participation with respect to chapter 83 or 84 of title 5, United States Code, relating to Federal retirement.

(h) Reduction in Force. No employee who is a employee of an excepted service position shall be subject to a reduction in force of his excepted service position.

(i) Effect on Employees. Any employee who, on and after the date of the enactment of this Act, begins to serve in a competitive service position an employee who is a employee of an excepted service position shall be granted certain provisions of the Employees Retirement System Act of 1974 (2 U.S.C. 3301 et seq.) to the extent applicable to the positions described under subsection (c), the Director of the Office of Personnel Management shall—

(1) provide that such employee shall continue to serve in the competitive service position established under subsection (a); and

(2) provide for a one-time payment to such employee of an amount equal to the difference between—

(A) the employee's current rate of pay; and

(B) the rate of pay that would have been payable to the employee on the date of the enactment of this Act.

(j) Exception to Provisions. Any employee employed on the date of the enactment of this Act in an excepted service position converted under subsection (a) shall retain their standing and participation with respect to chapter 83 or 84 of title 5, United States Code, relating to Federal retirement.
laws. By attaching this provision to S. 866, the majority expects that we will be able to engage the Senate in a conference on this legislation and break the current deadlock.

Finally, the manager's amendment incorporates a provision that was introduced by Senator SARBANES and passed the Senate by voice vote. This is more a technical provision and will help remedy a situation that affects only a limited number of employees. I support the effort to enact this correction.

Again, I support this legislation and the manager's amendment. I hope it will have my colleagues support as well.

Mr. Speaker, I urge my colleagues to support this legislation.

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

Mr. FALEOMAVAEGA. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Maryland, [Mrs. MORELLA], who I am pleased to say is a very strong advocate on behalf of our Federal employees, someone who shares a concern and compassion for them, and one of the most productive members of the Subcommittee on Civil Service.

Mrs. MORELLA. Mr. Speaker, I want to thank the gentleman who chairs our Subcommittee on Civil Service not only for the fine words but also for the leadership he has shown during this very challenging time for Federal employees and Federal agencies. I value that very much.

Mr. Speaker, I rise in strong support of S. 866, legislation that will help our dedicated Federal employees in a variety of ways. Civil servants are facing hard times, and they are understandably apprehensive about the future. Although I would have liked to consider several pieces of legislation that I have introduced to help Federal employees meet the challenges of the changing workplace, this bill is a step in the right direction. I am proud of the portion of this legislation to improve the lives of our Federal employees.

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

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

Mr. MICA. Mr. Speaker, I yield such time as she may consume to the gentleman for the time that he has given me to comment on what I think is an important bill. I also want to commend the ranking member of our subcommittee, the gentleman from Virginia [Mr. MORAN], for the time that he has given me to comment on what I think is an important bill.

Mr. Speaker, I rise in strong support of S. 866, legislation that will help our dedicated Federal employees in a variety of ways. Civil servants are facing hard times, and they are understandably apprehensive about the future. Although I would have liked to consider several pieces of legislation that I have introduced to help Federal employees meet the challenges of the changing workplace, this bill is a step in the right direction. I am proud of the portion of this legislation to improve the lives of our Federal employees.

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

Mr. MORAN. Mr. Speaker, I yield such time as she may consume to the gentleman from Virginia.

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

Mr. FILIPPO. Mr. Speaker, I yield such time as she may consume to the gentleman from Virginia.

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

Mr. Speaker, I rise in strong support of S. 866, legislation that will help our dedicated Federal employees in a variety of ways. Civil servants are facing hard times, and they are understandably apprehensive about the future. Although I would have liked to consider several pieces of legislation that I have introduced to help Federal employees meet the challenges of the changing workplace, this bill is a step in the right direction. I am proud of the portion of this legislation to improve the lives of our Federal employees.

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

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

Mr. VALENTINO. Mr. Speaker, I yield such time as she may consume to the gentleman from Virginia.

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

Mr. Speaker, I rise in strong support of S. 866, legislation that will help our dedicated Federal employees in a variety of ways. Civil servants are facing hard times, and they are understandably apprehensive about the future. Although I would have liked to consider several pieces of legislation that I have introduced to help Federal employees meet the challenges of the changing workplace, this bill is a step in the right direction. I am proud of the portion of this legislation to improve the lives of our Federal employees.

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made earlier by the gentleman from Maryland. She certainly has been a great advocate of our work force in the civil service, and I am sure that because the legislation is not exactly a perfect one that, hopefully, in the next Congress, some of the sentiments and concerns that have expressed earlier will be taken seriously.

Mr. Speaker, I also want to recognize the contributions of the members of the subcommittee, the gentleman from Pennsylvania [Mr. Holden], the gentleman from Florida [Mr. Solomon], and the gentleman from Illinois [Mrs. Collins] absolutely the senior Democrat, the ranking member of the full committee, for the tremendous contributions that she has rendered for our government in all these years that she has served in this capacity as a member of the Committee on Government Reform and Oversight.

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

Mr. MICA. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. Solomon], who is one of the strongest advocates in the Congress on behalf of veterans and also has the honor and distinction of serving as chairman of our Committee on Rules.

Mr. Solomon. Mr. Speaker, I want to thank the gentleman from Florida, John Mica. Quite often I mistake John and sometimes I call him Dan, and that is because 18 years ago Dan Mica, his brother, and I came to this Congress. His brother was a Democrat on the other side of the aisle but an outstanding Member of this body who served with me on the Committee on International Relations, as he did with the Speaker, at that time.

Mr. Speaker, I wanted to stand up here for a moment just to praise John Mica, his subcommittee, and the members of this subcommittee, like the gentleman from Maryland, Connie Morella, and certainly my good friend, the gentleman from American Samoa, Mr. Faleomavaega, for the good job they always do.

Quite often Federal employees come under undue criticism. Yet, the vast majority of them are good people, they are conscientious, they are polite, they are courteous, and they do their job. I just want to commend the gentleman for the job he is doing on this piece of legislation because in the Mica's case, it is that 4-year loss, when you are not going to stay long enough to gain retirement benefits, that loss to you compared to your peer amounts to about $68,000 over a 4-year period. A young man or young woman entering the military, when he or she gets out, they are always going to be $68,000 poorer than the peer that did not have the opportunity to serve. So that is really what veterans' preference is all about. It is a way of allowing them to catch up, which is why we have the peacetime GI bill. That is why this piece of legislation is so terribly important.

I want to commend the gentleman from Florida, Mr. John Mica, for the good job that he and that the members of his committee have done. Let us get it passed. Let us get it sent to the President and get his signature on it. Mr. MICA. Mr. Speaker, I yield myself such time as I may consume.

I would like to conclude my remarks on this legislation and just take a moment, as we finish our comments, to thank the gentleman from American Samoa for his assistance tonight in moving this legislation forward. Also, to thank the ranking member of our subcommittee, the gentleman from Virginia [Mr. Moran] who is not able to be with us but who has provided great leadership on this and other civil service issues, and particularly the gentlewoman from Maryland [Mrs. Morella], as part of this legislation and, in fact, as part of her initiatives, continuing efforts on behalf of our civil servants whom she holds so dearly, both these individuals should be commended for both their service and their contribution to our Federal Government. I thank her. I thank the gentleman from Virginia [Mr. Davis] of our subcommittee and also, as I mentioned, the gentleman from Virginia [Mr. Wolf], who is not on the committee, who has contributed to this and other productive civil service legislation; also the gentleman from New York [Mr. Solomon] for his tremendous interest and efforts for Federal employees. This legislation goes on and on in their behalf and on behalf of the Congress. The gentleman from Indiana [Mr. Buyer], who is not with us tonight but chairs one of the veterans subcommittees, also contributed greatly.

Finally, Mr. Speaker, by combining title II with three Senate bills we are, in fact, giving the other body a very convenient way of addressing veterans preference in the few remaining legislative days that we have left in this session.

Mr. Speaker, the bill before us today and tonight is, in fact, a good one. It authorizes emergency leave for our Federal employees. It strengthens our veterans preference. The thrift savings plan and makes desirable modifications to the employment status of employees at the Fire Administration. This legislation tonight and bills that we hope to pass in tomorrow's session can go a long way toward making it a better Federal workplace and a better Federal work force.

I urge my colleagues to vote for these measures and for this bill.

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

Mr. MICA. I yield to the gentleman from American Samoa.

Mr. Faleomavaega. Mr. Speaker, I would be remiss if I did not also express the gentleman from Virginia's sentiments in expressing to the gentleman from Florida, as chairman of the committee, for the outstanding job that he has done and the spirit of bipartisanship that we were able to work out the differences in bringing us to the floor at this point in time. I want to note that for the Record to the gentleman from Florida for the tremendous job that he has done in bringing this legislation to fruition.

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

Again, I urge passage of this and, finally, thank the staff on both sides of the aisle for their tremendous contributions.

Mr. Moran. Mr. Speaker, I am pleased to rise in support of S. 868 and the manager's amendment offered by Representative Mica.

S. 868 is a simple bill first proposed by the Office of Personnel Management after the tragic bombing in Oklahoma City. It makes it easier for Federal employees to donate unused annual leave to their counterparts who have been adversely impacted by a disaster or national emergency. This bill passed the Senate unanimously last October and recently passed the Government Reform and Oversight Committee on voice vote.

To this legislation, Mr. Mica is offering a manager's amendment that incorporates other important provisions. The first important provision is the inclusion of important reforms to the Thrift Savings Plan and enables employees to participate in the plan earlier and to invest their funds in two new plans.
The Thrift Savings Plan is a very successful retirement plan that enables federal employees to save for their retirement. The provisions in this legislation will also provide federal employees the same flexibilities enjoyed by their private sector counterparts who participate in 401(k) plans. This provision also allows federal employees to save for their retirement without fear of job loss or retribution should they choose to do so.

Mr. BUYER. Mr. Speaker, I want to congratulate and thank Chairman Mica and his subcommittee for their magnificent efforts on this very important piece of legislation and for their dogged determination to shepherd this bill through the legislative process.

I had the honor of testifying before Mr. Mica’s subcommittee, and I am doubly pleased that some of the points I brought out during the hearing are in the bill. I wish to stress that the most important provision—that of an administrative and judicial method for veterans to pursue their employment claims—is not an expansion of veterans preference, but a necessary provision to ensure just protection of their rights as veterans.

And to those who feel that veterans don’t need the protections being provided to them in this bill, let me just quote an internal memo from Postmaster General Marvin Runyon to his Board of Governors. Mr. Runyon states that veterans preference will, “have a definite impact on the Postal Service,” it would “tie our hands,” and it would, “be costly and make our personnel decisions more difficult and onerous.” Finally, recognizing the average American’s support for veterans he says, “this is a difficult issue to oppose publicly, especially in an election year.”

The Postmaster almost got it right, but I would offer this. I would say that it is an issue that should never be opposed—election year or not—because veterans preference must remain the cornerstone of federal employment, simply because it is the right thing to do.

Veterans preference knows neither color nor gender, nor ethnic origin, whether the veteran is a Christian, Jew, Muslim or atheist. It is a Christian, Jew, Muslim or atheist. It is a Christian, Jew, Muslim or atheist. It is a Christian, Jew, Muslim or atheist. It is a Christian, Jew, Muslim or atheist. It is a Christian, Jew, Muslim or atheist. It is a Christian, Jew, Muslim or atheist. It is a Christian, Jew, Muslim or atheist. It is a Christian, Jew, Muslim or atheist. It is a Christian, Jew, Muslim or atheist. It is a Christian, Jew, Muslim or atheist. It is a Christian, Jew, Muslim or atheist. It is a Christian, Jew, Muslim or atheist. It is a Christian, Jew, Muslim or atheist. It is a Christian, Jew, Muslim or atheist. It is a Christian, Jew, Muslim or atheist. It is a Christian, Jew, Muslim or atheist. It is a Christian, Jew, Muslim or atheist. It is a Christian, Jew, Muslim or atheist. It is a Christian, Jew, Muslim or atheist. It is a Christian, Jew, Muslim or atheist. It is a Christian, Jew, Muslim or atheist. It is a Christian, Jew, Muslim or atheist. It is a Christian, Jew, Muslim or atheist. It is a Christian, Jew, Muslim or atheist. It is a Christian, Jew, Muslim or atheist. It is a Christian, Jew, Muslim or atheist. It is a Christian, Jew, Muslim or atheist. It is a Christian, Jew, Muslim or atheist. It is a Christian, Jew, Muslim or atheist.
to the Capitol for the hearing last July
cially important considering her prop-
tered caretaker of the land, was espe-
ero herself and a self-de-
ests, and Lands, we heard positive tes-
 Subcommittee on National Parks, For-
area over the past 4 years, they
ment of this and future generations.
the Clarion River became eligible for
able and scenic designation upon the Allegheny River.
March of this year, the Forest Service determined after lengthy analy-
contain outstanding scenic and recre-
Clari

t from the start, that's not to say reservations have not been voiced,
bigl
says, Pennsylvania House Mem-
believing that such a unique natural resource—especially in
Asian United States—should be preserved and protected for the enjoyment
And judging from the communication
rivers through the House this year, H.R. 3568 allowed me to work
funds mandates; does not permit the Government to acquire land through condemnation since more than 50 per-
Mr. Speaker, I reserve the balance of

and commitment by residents to

the Clarion River corridor is located in the unglaciated Allegheny plateau, is free flowing and relatively slow moving.

Although she was the only one travel and tourism representative.

I believe the words spoken by one of my constituents best capture the sentiment and commitment by residents to see the successful conclusion of this effort, as part of our national infrastruc-
tion to guide many very important re-
Another Pennsylvania resident came to the Capitol for the hearing last July to tell the subcommittee about the economic benefit that will follow designation of the corridor. Mr. David
"Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. CLINGER], the author of the legislation.
ment to submit new permit applications for projects on public lands to be reviewed by the responsible State or Federal agency. This has all
Mr. Speaker, I yield back the balance of my time.

In March of this year, the Forest Service determined after lengthy analy-

I believe it's important to note that H.R. 3568 does not contain any unfunded mandates; does not permit the Government to acquire land through condemnation since more than 50 percent of the land is publicly owned; and would merely require the continuation of a requirement to submit new permit applications for projects on public lands to be reviewed by the responsible State or Federal agency. This has already been the case since 1992.

Mr. Speaker, I want to very grate-

Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and ex-

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

The question was taken; and (two-

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and ex-

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

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.
(H.R. 3155) to amend the Wild and Scenic Rivers Act by designating the Wekiva River, Seminole Creek, and Rock Springs Run in the State of Florida for study and potential addition to the National Wild and Scenic Rivers System, as amended.

The Clerk reads as follows:

H. R. 3155

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

SEC. 1. ADDITIONAL DESIGNATION.

Section 5(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(b)) is amended by adding at the end the following new paragraph:

``(b) The Seminole Creek tributary.''

SEC. 2. STUDY AND REPORT.

Section 5(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(b)) is amended by adding at the end the following new paragraph:

``(A) The entire river.

``(B) The Seminole Creek tributary.''

``(C) The Rock Springs Run tributary.''

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, H.R. 3155 amends the Wild and Scenic Rivers Act by designating the Wekiva River and Rock Springs Run in the State of Florida for study and potential addition to the National Wild and Scenic Rivers System. The administration testified in favor of the measure and we also understand that there is local support for it. The information to be gained from such a study should be helpful in providing for the care and use of these river resources. As such we have no objection to H.R. 3155, and I ask my colleagues to support this legislation.

I want to commend the gentleman from Florida [Mr. McCOLLUM] for introducing this bill and again thank members of the Committee from both sides of the aisle for their support of this measure.

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

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

Mr. Speaker, I would like to add that this bill directs the administration to complete their study in 2 years. The administration normally takes 3 years to complete wild and scenic river studies, but in this case there is so much known about this river the length of time is unnecessary.

Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. McCOLLUM], the sponsor of the bill.

Mr. McCOLLUM. Mr. Speaker, I am pleased that we are now considering H.R. 3155, a bill to designate the Wekiva River, Seminole Creek, and Rock Springs Run in central Florida for study and potential addition to the National Wild and Scenic Rivers System. Naturally, I think this is a good bill and would like to express my gratitude for the work done by the Committee on Natural Resources. I would like to personally thank my good friends and colleagues Chairmen Young and Chairman Hansen, as well as their knowledgeable, helpful staff for their efforts.

The Wekiva River Basin provides historical, recreational, and educational opportunities for residents and visitors. The area is rich in natural resources, and once provided a home for prehistoric inhabitants. Eleven archeologic sites associated with various Native American cultures have been identified. The location of the Wekiva River also allows for the study of a diverse ecosystem and hosts a variety of flora and fauna, including several threatened species such as the West Indian manatee, the American bald eagle, and the Florida black bear. The Wekiva River and Rock Springs Run are also host to over 300,000 visitors and the miles of trails in the State of Florida which feed into the basin provide visitors with opportunities for canoeing, swimming, fishing, hiking, and horseback riding along nature trails.

I am sure that the Wekiva more than qualifies for the designation of a National Wild and Scenic River. As someone who literally lives down the street from the river, I can personally attest to its delicate beauty and value that should be protected. And its major tributaries are already designated as Outstanding Florida Waters and a State Wild and Scenic River, and the State of Florida has identified the land around the Wekiva as a priority for acquisition. An additional designation, should it follow after the study, would prohibit Federal agencies from altering, or granting a permit to alter, the natural flow of the river. These protections would ensure that the river remains as natural as possible.

Additionally, a Federal designation would be consistent with State policy, which has already recognized the importance of this river. The Secretary of the Florida Department of Environmental Protection has said that passage of this legislation would be a "great example of local, State, and Federal governments, environmental organizations, and community leaders partnering for increased protection of one Florida's greatest nature treasures."

Mr. Speaker, my bill has bipartisan support, and I have received assurances that the appropriate State agencies will work with the Department of the Interior to help expedite this study as much as possible. I believe the time has come for the Federal Government to consider making one of central Florida's treasures, the Wekiva River, a National Wild and Scenic River. I urge an "aye" vote.

Mr. HANSEN. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Speaker, I thank the distinguished gentleman from Utah for yielding this time to me.

Mr. Speaker, I am pleased to join my colleagues, the gentleman from Florida [Mr. McCOLLUM] as a cosponsor of this legislation, and I want to salute his leadership. Mr. McCOLLUM had the opportunity to represent this area before I came to Congress, and now, as my colleagues heard, lives close to the Wekiva River, and he has taken this step which really will do two things: first, the scenic designation which is so important; and also a second step will be to allow us to review what is going on in this river to see that it can be preserved and restored if necessary, for future generations.

So this is a piece of legislation that has a great deal of meaning for the gentleman from Florida [Mr. McCOLLUM] and myself. I appreciate their leadership.
The Clerk read as follows:

H.R. 3497

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

SECTION 1. SHORT TITLE.
The Act may be cited as the “Snoqualmie National Forest Boundary Adjustment Act of 1996”.

SEC. 2. FINDINGS.
The Congress finds the following:

(1) Certain private lands in the State of Washington presently owned by Weyerhaeuser Company and others are located adjacent to the Snoqualmie National Forest and are logical extensions of the forest.

(2) A boundary adjustment will facilitate a land exchange which involves approximately 7,200 acres of National Forest land and 33,000 acres of private land owned by Weyerhaeuser Company, of which 6,278 acres are outside the present Snoqualmie National Forest boundary.

(3) Weyerhaeuser Company and the Forest Service are prepared to exchange these lands, which will benefit both the United States and Weyerhaeuser by consolidating their respective land-ownership holdings and providing reduced costs for each party to implement their land management objectives, providing an opportunity to implement more effective ecosystem based management, providing increased recreation opportunities for the American public, providing enhanced fish and wildlife habitat protection, and supporting the “Mountains-to-the-Sea” goal of a continuous greenway between the Cascade Mountains and Puget Sound.

SEC. 3. BOUNDARY MODIFICATION.

(a) IN GENERAL.—The Secretary of Agriculture is hereby directed to modify the boundary of the Snoqualmie National Forest to include an area of 9,589.47 acres, more or less, as generally depicted on a map entitled “Snoqualmie National Forest Proposed 1996 Boundary Modification” dated July 1, 1996. Such map, together with a legal description of all lands included in the boundary adjustment, shall be on file and available for public inspection in the Office of the Chief of the Forest Service in Washington, District of Columbia.

(b) RULE FOR LAND AND WATER CONSERVATION FUND.—For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 400-9), the boundary of the Snoqualmie National Forest, as modified pursuant to subsection (a), shall be considered to be the boundary of that National Forest as of January 1, 1965.

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

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

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, I have no 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. HANSSEN] that the House suspend the rules and pass the bill, H.R. 3497, introduced by Ms. DUNN of Washington. This legislation modifies the boundary of the Snoqualmie National Forest to facilitate a land exchange. It is needed because approximately 6,300 acres of land that would be exchanged to the Government is outside the national forest. H.R. 3497 is a bipartisan bill, introduced by the entire Washington delegation, and it has support from the administration and the public.

The land exchange has been 12 years in the making. It is the result of a collaborative effort between the Sierra Club’s Checkerboard Project and the Weyerhaeuser Co. The Forest Service will exchange approximately 7,200 acres of national forest land for 33,000 acres of private lands owned by the Weyerhaeuser Co. The exchange is based on equal values of land and timber.

In addition to the trade, the agreement will result in a substantial donation of land from Weyerhaeuser to the Forest Service, including approximately 900 acres which will be added to the Alpine Lakes Wilderness. Since 1991, surveys of the land and timber resources have been completed, and the biological, archaeological and wetland resources on the two ownerships have been thoroughly studied. In July, 1996, the Forest Service completed a draft environmental impact statement (EIS) for the land exchange and requested public comment on the proposal. Three public meetings were held to discuss the land exchange and the draft EIS. Once a final EIS and record of decision are completed, H.R. 3497 will provide the authority for the Forest Service needs to acquire the lands that lie outside the current forest boundary.

I commend my colleague, Ms. DUNN, for her leadership on this excellent measure. The environment and the people of the Puget Sound region will benefit as a result. I urge my colleagues to support this legislation and vote with me in favor of H.R. 3497.

Mr. SPEAKER. I recognize the gentleman from Utah [Mr. HANSSEN].

Mr. HANSSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3497) to expand the boundary of the Snoqualmie National Forest, and for other purposes, as amended.
I recommend a yes vote on H.R. 1834, and I reserve the balance of my time, Mr. Speaker.

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, S. 1834 simply amends the Indian Environmental General Assistance Program Act of 1992 to change the authorization of funds available under the program from the current level of $15 million to "such sums as may be necessary". Funding levels will still be subject to inclusion in an appropriations bill and submitted each year to Congress.

This program awards general assistance grants to Indian tribal Governments to enhance their ability to manage environmental programs on Indian lands. To date approximately 100 tribes have received multimedia grants allowing them to develop and implement environmental protection procedures. However the need far outweighs the current limit on funding. $28 million is included in Agriculture Appropriations for fiscal year 19997 for this program.

With the grant assistance from this program, Indian tribes have developed comprehensive environmental programs in the areas of solid and hazardous waste management, water and air quality, and pesticide management. The Penobscot Indian Nation of Maine has established an award winning water resources program. This program has been nationally recognized as a model for State-Tribal-Federal cooperation. Some tribes have been able to clean up solid and hazardous waste sites on their land with the help of this program. Industrial tribes have established recycling programs, identified leaking underground storage tanks and potential superfund sites.

Mr. Speaker, the cost of this program is minimal compared to the return this program, in cooperation with American Indian nations, gains. I urge my colleagues to support passage of this bill.

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. Pursuant to the request of the gentleman from Utah [Mr. HANSEN], the next 20 minutes are for the recognition of other Members of the House, the following Members will be recognized for 5 minutes each.

Mrs. MORELLA. Mr. Speaker, I am pleased to give this special order honoring the women Members who will be
CARDISS COLLINS is another distinguished senior woman in the House and the longest serving African-American woman in Congress. I have had the pleasure of serving with her on the Committee on Post Office and Civil Service, where she served on the Subcommittee on Postal Operations, and I have been impressed with her perseverance on that committee. She has been a strong advocate for women, families, the poor, and Federal workers and retirees.

During her service in Congress, Cardiss has worked to improve the health of women and minorities. She was the sponsor of legislation extending Medicare coverage for mammography screening and sponsored legislation to expand Medicaid coverage for Pap smears. Cardiss sponsored legislation that established a permanent Office on Minority Health at NIH, and is the author of several laws addressing child abuse prevention and child safety.

Cardiss has been particularly active in fighting for gender equity in college athletics. Her advocacy of title IX led to her induction into the Women and Girls' Sports Hall of Fame in 1994. Cardiss' leadership on these issues has been instrumental, and she will be missed.

Barbara Vucanovich has served in this body for seven terms, and is the first woman elected to a Federal office from Nevada and the first Nevadan to serve in a leadership position in the House; she was elected secretary of the Republican Conference earlier this year. She is the only Republican woman on the Appropriations Committee and she is the second woman in history to become an appropriations subcommittee chair.

Barbara has made many contributions to equity in women's health research. As a breast cancer survivor, Barbara has brought her own experience to the fight against breast cancer. In her work on the Appropriations Committee, she has been a champion of breast cancer research, both at the National Institutes of Health and the Department of Defense. She has been a vocal advocate for regular and affordable mammograms and is the sponsor of legislation to provide annual mammograms for older women under Medicare and Medicaid. Barbara's efforts on behalf of women and families will be missed, and I know that she will continue her work for breast cancer prevention and research after she leaves Congress.

Jan Meyers was first elected to the House in 1984, and is currently the Chair of the House Small Business Committee. She has sponsored legislation to provide annual mammograms for older women under Medicare and Medicaid. Barbara's efforts on behalf of women and families will be missed, and I know that she will continue her work for breast cancer prevention and research after she leaves Congress.

Barbara Rose Collins was elected to Congress in 1990; she was the first African-American woman elected to the U.S. Congress from the State of Michigan. I have served with her on the Committee on Government Reform and Oversight, where she is the ranking member of the Subcommittee on Postal Service. During the 103rd Congress, Barbara Rose served as chair of the Subcommittee on Postal Operations. During her service in Congress, Barbara Rose sponsored legislation to combat stalking and to increase breast cancer research. She also chaired the Congressional Caucus on Children, Youth, and Families in the 103rd Congress. I know she will continue her work on behalf of women and families after she leaves this body.

Blanche Lambert Lincoln became the first woman to represent the First District of Arkansas when she was elected in 1992. Blanche serves on the Commerce Committee, and helped form The Coalition, a group of conservative House Democrats who have sponsored a number of initiatives. The Coalition has worked with the Tuesday Group, a group of moderate Republicans, to which I belong, and I believe our groups have contributed a great deal to the compromises developed on a number of issues in this Congress. Blanche has also done a great deal to enhance rural development in her district. I congratulate her on the birth of her twin boys this summer, and I am sure that her departure from public service is only a temporary one.

Enid Greene was elected in 1994, and was the first Republican freshman to be appointed to the House Rules Committee in 80 years. She serves on the Congressional Family Caucus, the House Small Business Survival Caucus, and the Executive Committee of the Republican Congressional Committee. Enid has been a strong advocate for lobbying and budget reform. She also has the distinction of being the first African-American Member of Congress to give birth while in office. I wish her well in the future.

Mr. Speaker, the departure of these many women Members is a great loss for this body. I will be working with these distinguished Members and my colleagues on both sides of the aisle to ensure that more women are assigned to important committee positions and that more women run for leadership posts in both parties. I salute these outstanding women Members of Congress, and I look forward to continuing to work with them after they leave the House.

Mr. Speaker, I believe very firmly that every time a woman is elevated, all women are elevated, and society is richer for it.
Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in recognition of our seven retiring women Members of Congress, women who have diligently served their constituents and paved the road for many women ahead.

CARDISS COLLINS

First, I wish to recognize Congresswoman CARDISS COLLINS, the longest serving African-American woman in Congress. Congresswoman COLLINS has worked to improve the quality of health care for women and minorities.

She has authored legislation which expanded Medicare coverage for mammographies and Pap smears which detect cervical and uterine cancers.

In addition, the Congresswoman was the guiding force for legislation which established a permanent office on minority health within the National Institutes of Health.

Not only has Congresswoman COLLINS forged the way for women and women’s issues, she has also made significant strides in other legislative areas.

As chair of the Subcommittee on Commerce, Consumer Protection, and Competitiveness, she enacted the Child Abuse Prevention Act and the Child Safety Protection Act.

The Congresswoman’s efforts also led to the adoption of the Aviation Security Improvement Act.

Congresswoman COLLINS has been the first in many of her endeavors, including:

First woman and African-American to be Democratic whip-at-large;
And, first woman and African-American to serve as chair of two subcommittees: (1) the Government Operations Subcommittee on Manpower and Housing, and;
(2) Subcommittee on Commerce, Consumer Protection, and Competitiveness. And the list goes on.

Our working together in Congress has been great, but it does not surpass our social and personal relationship that has grown over the years.

I met CARDISS shortly after she came to the Hill, and I was one of her sponsors for membership in both Alpha Kappa Alpha Sorority, Inc., and the Links Inc.—two organizations that are near and dear to my heart.

I have enjoyed sharing my family with her family. She knows that my door is always open to her, and vice versa. I have always been greeted with open arms and enjoyed her home-cooked meals * * * and there is nothing better than CARDISS COLLINS home-cooked rolls!

There is no doubt that I, along with your constituents and other Members of Congress will miss the wisdom and energy you brought to the House.

Congresswoman COLLINS, please know that we appreciate all that you have done and what you symbolize. I know that you have inspired other women to fulfill their leadership potential.

BARBARA ROSE COLLINS

As a fellow Congressional Black Caucus member, I would also like to wish Congresswoman BARBARA ROSE COLLINS well in her retirement.

BLANCHE LAMBERT LINCOLN

Congratulations also to Congresswoman BLANCHE LAMBERT LINCOLN, my classmate from the neighboring State of Arkansas.

Congresswoman LINCOLN, you are a bright and rising star. Good luck as you take your sabbatical to share your time with your family.

Finally, though I have not had long acquaintances with the other retiring Members, I hear that there is life after office.

I hope that you will have positive and fruitful experiences whether you choose to focus on family or continue to serve the public.

Best wishes all.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York [Mrs. Lowey] is recognized for 5 minutes.

[Mrs. LOWEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida [Mr. Diaz-Balart] is recognized for 5 minutes.

[Mr. DIAZ-BALART of Florida addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida [Ms. Dunn] is recognized for 5 minutes.

[Ms. DUNN of Washington addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Pennsylvania [Mr. Weldon] is recognized for 5 minutes.

[Mr. WELDON of Pennsylvania addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Colorado [Mr. McNillis] is recognized for 5 minutes.

[Mr. McNILLS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida [Mrs. Thurmman] is recognized for 5 minutes.

[Mrs. THURMAN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Mr. Dreier] is recognized for 5 minutes.

[Mr. DREIER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York [Mr. Houghton] is recognized for 5 minutes.

[Mr. HOUGHTON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Indiana [Mr. McIntosh] is recognized for 5 minutes.

[Mr. MCINTOSH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Washington [Ms. Dunn] is recognized for 5 minutes.

[Ms. DUNN of Washington addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Arkansas [Mr. Balart] is recognized for 5 minutes.

[Mr. BALART addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Mr. Filner] is recognized for 5 minutes.

[Mr. FILNER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Idaho [Mr. LaHood] is recognized for 5 minutes.

[Mr. LAHOOD addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois [Mr. AlBerman] is recognized for 5 minutes.

[Ms. BERMAN of Illinois addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Nebraska [Ms. Bono] is recognized for 5 minutes.

[Ms. BONO of Nebraska addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Tennessee [Mrs. Blackburn] is recognized for 5 minutes.

[Ms. BLACKBURN of Tennessee addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York [Ms. Hines] is recognized for 5 minutes.

[Ms. HINES addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]
The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. Riggs] is recognized for 5 minutes.

[Mr. Riggs addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

REVIEW OF CONTRACT WITH AMERICA AND OTHER ACCOMPLISHMENTS OF 104TH CONGRESS

The SPEAKER pro tempore (Mr. Burton of Indiana). Under the Speaker’s announced policy of May 12, 1995, the gentleman from Mississippi [Mr. Wicker] is recognized for 60 minutes as the designee of the majority leader.

Mr. WICKER. Mr. Speaker, this Friday marks a very significant day for me and many of my colleagues and, most importantly, for millions of Americans. This Friday, September 27, is the 2-year, is the 2-year anniversary of the signing of the Contract With America. When more than 300 Republicans gathered on the steps of the U.S. Capitol in 1994 to sign the Contract With America, it was not some kind of campaign gimmick. It was a commitment that we made, a signed contract with the people of the United States.

At this point the pages are bringing a copy of that contract to the well to place by my colleague, the gentleman from Minnesota [Mr. GUTKNECHT].

We promised if we were elected to the majority that 10 broad legislative proposals would be debated, discussed and voted on by the full House of Representatives. For years, many of these issues had been bottled up in committee, never making it to the floor, never seeing the light day, the positions of our elected officials never examined by public scrutiny.

We set out to change that by making a solemn promise to the people of America. Our promise was this: The American people deserve much more than that. That is why we put our promise in the form of a signed contract.

All too frequently in today’s political arena, promises are made and then not kept. Representative government, our government, Mr. Speaker, is not well kept. Representative government, our elected officials never examined by the people of the United States.

For over 40 years, one party held the reins of power in Washington, DC, and it was not until the 104th Congress that the people their elected officials. For years, more than 300 Republican representatives passed laws that were not only passed by the U.S. Senate and signed into law by the Democrat President of the United States. Under the Contract With America, the 104th Congress took the first steps toward transforming government, not only to provide a smaller, more efficient government but a better government. We passed legislation as part of the contract that moves power, money and authority from inside the Beltway to the States, communities and families.

Tonight, Mr. Speaker, I am joined by several of my freshman colleagues from all across the country, north, south, east and west, and we are here tonight to set the record straight.

First, contrary to the inflamed rhetoric of my Democratic colleagues and much of the news media, the Contract With America was a success. I know that my friend from Minnesota is chomping at the bit to get in his two cents’ worth, and I at this point yield to the gentleman from Minnesota [Mr. GUTKNECHT].

Certainly, I know that he shares my frustration and that our contract was successful.

One thing that I want to make clear is that the Contract With America is not a solemn promise to the people of America, not an empty promise. The House Republicans have provided such a demonstration.

I want to quote a story written by columnist David Broder, dated April 9, 1995. True words then and just as true today. David Broder said this: “It is healthy for our politics and our politicians, regardless of what they do, when the public sees elected officials doing what they promised.”

Mr. Broder goes on to say, “The greatest threat to our system of government is rampant cynicism. The best cure for that is change, a change that campaigns and elections really matter,” and Mr. Broder then says, “The House Republicans have provided such a demonstration.”

In 1994, Republicans summoned the courage to finally throw down the gauntlet and offer the people what they said they would do: a balanced budget amendment, tax relief for families, safe neighborhoods for themselves and their children, an end to the lifelong dependency on welfare, a Congress which will be accountable to the people they serve.

But in the history of American politics, there have been few occasions where something has been so misrepresented and so maligned as the Contract With America.

Our colleagues on the other side of the aisle have spent literally hundreds of hours on the floor attempting to destroy and to distort what the Contract With America means and what we stand for.

I just to provide you some examples, Mr. Speaker, a colleague of mine from the other side of the aisle took the floor the other day and said the Contract With America would have cut Medicare, would have cut Medicare, would have cut Medicare. There is nothing whatsoever in the Contract With America about Medicare, much less cutting Medicare. That would have cut environmental protection, cut education, all to give tax cuts. Four completely erroneous statements in the space of one sentence. It is enough to take your breath away, Mr. Speaker.

Another quote from the Boston Globe: “The Contract With America failed to capture the hearts and minds of the average American family, especially that new breed, the Reagan Democrats.”

And then the would-be Speaker, our current minority leader, said earlier this year, “This was supposed to be the Congress of the Republican contract and somewhere along the line we’ve got a lost contract there.”

I tell you what the contract is, to my distinguished colleague from Missouri, the contract is 65 percent signed into law right now. Sixty-five percent of the items that we voted on in the Contract With America we have not only been passed by the U.S. Senate and signed into law by the Democrat President of the United States.

Tonight, Mr. Speaker, I am joined by several of my freshman colleagues from all across the country, north, south, east and west, and we are here tonight to set the record straight.
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were over 300 of us there, the sun began to shine and it was almost like it was providence or prophetic that the sun came out on America again and that there was going to come a day when the sun would shine here on this Capitol and inside this Capitol building as well.

The other day that I remember that was so glorious was election day. I don't know if ever I told this story or not, but when we were watching the returns come in from Rochester, Minnesota, I thought it was Dan Rather; he announced that it appeared that I was going to win the 1st Congressional District seat, a seat that had been held by the Democrats for 12 years, and in the next breath, he said, “It now appears that the Republicans will have enough votes to control the United States House of Representatives and that Newt Gingrich will be the next Speaker of the House.”

Well, that was certainly a glorious day for me and I think for all of us here. But again I think it was a glorious day for all Americans. And then of course the other glorious day was the day that we were all sworn in and for the first time in 40 years the power of the United States House of Representatives changed hands.

I will never forget the very next day, Dick Armey, our majority leader, I was standing behind him and he was interviewed by a reporter. I think, from the New York Times and the reporter asked our majority leader, the reporter asked, “How does it feel now that the American people have given you this power?” And he said something incredibly important then. He said, “The American people haven't given us power. They loaned us power. They gave us responsibility.”

And so we began on the Contract With America and on that very first day, I remember 2 days before, I was called on leadership and was asked if I would take the leadership role on the adoption of the rule for the very first bill, H.R. 1, the Congressional Accountability Act. I sort of thought about it a minute and I said, Well, I'm not certain that I can handle that much responsibility on my very first day on the job but I said yes. And the interesting thing was that the leadership had enough confidence in this freshman class that they let us take the lead on the adoption of every rule of the first 10 items of changing the rules of the House the very first day on the job here in the House of Representatives.

We marched through it that night, we passed the Congressional Accountability Act, we passed the Congressional Audit Act, we made, as I say, the House live by the same laws as everybody else. We ended the idea that chairmen of committees could serve forever and put term limits on chairmen. We opened up the committee process. We eliminated proxy voting. All of that happened on the very first day and what a glorious day it was.

And it was as if almost that the dam had broken and we had begun to change the course of history.

And then we marched on down through the rest of the contract and again I was very proud of this House, because I never forget as well when we started the House sessions, we would read the Contract With America and it kept us on message, it kept us in focus, it kept us doing what we said we were going to do.

So it was a very positive time in American history and I was very proud to have played a part of it. I know we have got other freshman colleagues and I know they have got a lot of other observations, but I think the gentleman from Mississippi for asking for this special order and I am thankful that I have had an opportunity to participate.

Mr. ONEs. If the gentleman will yield, I think that the opening remarks by the gentleman from Mississippi, my southern friend. But the gentleman from Minnesota talked about the first day and I think that is so important because again it was the beginning of the Contract With America. You mentioned the fact that chairmen were restricted on committees. I believe I am correct, please correct me if I am wrong, that a chairman will serve for 3 terms, meaning 6 years. The Speaker of the House could only serve for 4 terms, 8 years. And that was a drastic change in the operation of the House, because there had been chairmen that served for 15, for 18, for 20 years and Speakers that go back to John McCormack from Massachusetts who I think served for like 20 or 25 years.

So that very first day, as you well stated, was the beginning of listening to the American people, that we were going to change the way that the Congress, the House of Representatives, operated. I think that set the tone for a very successful 104th Congress. I just wanted to commend the gentleman on his comments.

Mr. WICKER. If I could simply add to that point made by my friend from North Carolina, it might seem to some Americans that perhaps those first day reforms were inside the Beltway, inside Congress reforms, but in actuality everything we have done with the Contract With America, everything we have stood for with the Contract With America has been to help the lives of individuals out there running their businesses, helping their kids off to school, and even those first day reforms affect the lives of local citizens all across the 50 States. When Congress agrees finally for the first time in the history of this Republic to abide by the laws that it has foisted off on the rest of the American public, I think everyone agrees that we are going to see better laws passed, that we are going to see more responsible regulations. When the Congress now knows that when it legislation is passed that the lobbyist and the lobbyist can make it. And they can hire perhaps one or two more people so we can have job opportunities for people.

Naturally, common sense legal reform, because we have those frivolous lawsuits, the overzealous lawyers. And, as I said, congressional term limits. These were items important to the American people.

Mr. Speaker, I just wanted to break in, I just wanted to change the rules, with term limits for chairmen and such, but we wanted to change and bring about things not discussed on this floor.
I would agree with the gentleman from Mississippi with revisionism in history, because here I pick up one of the newspapers from Capitol Hill, Wednesday, September 25, and here is the opening statement: On Friday, House Republicans will convene on the Capitol steps to celebrate a 2-year anniversary of a document that they no longer talk about and an agenda that was never fully enacted.

Well, you know, when I am at home, some of the people that oppose what we are trying to do will say it is a failed contract, and I chuckle. Every time I speak to the Rotary, to the Lions, the Kiwanis, meet with the League of Women Voters and such, I tell them about balancing the budget, line item veto, welfare reform, seniors keeping more of what they earn. It is just interesting to me, because somehow, the message is out across this land that the contract has failed.

I am so pleased that you have brought that pie chart to show how even our Democrat colleagues supported the Contract With America, those Republicans wanted us to bring up. And I think we should take it as a compliment that at the Democratic National Convention, the President of these United States, Bill Clinton himself, took credit for many of the accomplishments. Whether it was tax cuts for small businesses, the line item veto, the Congressional Accountability Act that says Congress has to live under the same laws we all have to live under, unfunded mandate reform, the personal responsibility Act, the welfare reform bill, and long-term care insurance deductions. All of those were in the Contract with America.

I was pleased, I guess that if the best form of flattery, when someone takes your ideas and says that they are theirs, or they belong to the President. So I am just pleased to join my colleagues from across this Nation, freshmen, very eager freshmen, when I first came to this town and do exactly what they said they would do during the course of the campaign, real follow-up, promises made, promises kept, and that is extreme and dangerous and unprecedented. And I submit that we passed, and now he is trying to take credit on the issues that were in the Contract With America that we passed, and now he is trying to take credit for, that he is trying to take credit for, that the Republicans passed? Would you please remind me of that figure?

Mr. BURR. The gentleman has a good point, and I have always learned that math is calculated differently in Washington than it is in the rest of the country. But by North Carolina arithmetic, this was not too tough to come up with. The reality is that these 10 points were probably items that all 87 Republican and Democrat freshmen came here with a conviction and a commitment stronger than anybody here to accomplish this task, to bring common sense to Washington.

Mr. JONES. If the gentleman would yield on that point, would you please remind us of how much during the President’s speech at the Democratic National Convention he tried to take credit on the issues that were in the Contract With America that we passed, and now he is trying to take credit for, they was: Republicans passed? Would you please remind me of that figure?

Mr. BURR. The gentleman has a good point, and I have always learned that math is calculated differently in Washington than it is in the rest of the country. But by North Carolina arithmetic, this was not too tough to come up with. The reality is that these 10 points were probably items that all 87 Republican and Democrat freshmen came here with a conviction and a commitment stronger than anybody here to accomplish this task, to bring common sense to Washington.

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when you look at the American people and you ask them about the importance of the issues that we discussed, we debated, and eventually we passed many of them, the reality is that the majority of Americans are in agreement.

So maybe if in fact we are extremist or radical, so is America. But I think we knew before we came that the American families were fed up with business as usual in Washington. And I think when you look back on the record, in the past 6 to 8 years has been able to move through this body. In fact, the accomplishments of this Congress I think will be historical. Not by the standards of the Contract With America, but by the standards of the country needed and the right policy that we promoted.

Mr. ENSIGN. If the gentleman will yield, let another Westerner jump in on this fun conversation you all are having here tonight, just to make a comment. Based on what the gentleman from Minnesota probably saw that day standing on the steps of the Capitol when the sun broke through coming from Minnesota, that might have been a rare sight. Coming from southern Nevada, we see it will about 365 days a year, so it probably was not as spectacular a new sight for me.

I am on the Committee on Ways and Means. I was one of the three freshmen appointed to the Committee on Ways and Means, because our leadership had confidence in this freshman class, actually the first Republican freshmen appointed since George Bush back in 1967. And I think that the freshmen have done well on the committee.

My two colleagues, Jon CHRISTENSEN and Phil ENGLISH, I think they have performed in an outstanding manner on the Committee on Ways and Means. As a representative of the tax writing committee, which is the primary response on the Committee on Ways and Means, let me enlighten all of you to not only some of the things that we brought up in the part of the Contract With America, but actually we have been talking about, actually items that have been signed into law. That is the bottom line. It is great to debate all these items, but it only affects people's lives once you can get them into law.

First of all, we had the small business decision. We had to increase the amount of money the businesses can deduct as far as depreciation is concerned, instead of depreciation, actually expensing them, up the $25,000 per year. Small business people around the country understand that means they will be able to buy more equipment to make their employees more productive, to be able to pay their employees more money.

We also have a spousal individual retirement account. If you have a spouse that is living at home right now, they are not allowed to have an individual retirement account, an IRA. Our legislation allows you, enacted into law, now for your spouse to get an IRA as well.

We also have long-term care incentives. Right now in America, senior citizens are deathly afraid that they are going to have to lose everything that they have to be able to go on Medicaid, to be able to get good long-term care, skilled nursing facility type care in this country. We are not putting in tax incentives to get long-term care insurance, for one, but also to deduct long-term care expenses off of their tax return.

What this does is it keeps more people off of Medicaid, off of the taxpayers' backs, it gives them more control over their lives. We also raised the Social Security earnings limitation. We are raising it over a 6-year period to $30,000. Right now you get penalized if you are between 65 and 69, penalized for every dollar you earn over $11,280. You get penalized on your Social Security. That is unconscionable.

We are taking some of the people with the most experience and wisdom in our society and saying do not work, we want you to retire, and most of these people want to stay productive, and we are saying we are going to penalize you if you do. That is wrong and we repealed that.

The adoption tax credit. Everybody talks about abortion. They talk about all these other things and they say, why do you not encourage adoption? This Congress is now encouraging adoption by giving a $5,000 tax credit to offset adoption expenses for families that make up to $75,000 a year.

Now, there were a couple of items in the contract that were vetoed and it is unfortunate, too, because the average American family pays more in taxes than they do in food clothing and shelter combined.

Yes, the $500 per child tax credit was vetoed. Yes, the marriage penalty relief was vetoed. The American dream savings account was also vetoed. And also economic growth tax cuts, known as the capital gains tax reduction of 50 percent, was also vetoed, which would have been a huge boost to the economy and to economic growth in this country.

We are not in a global economy. We have $85 and 68 years of age, penalizing laws in this country. We need to make American business competitive once again. The cost of doing business, the cost of borrowing money, the cost of capital plays into how competitive American business is in a global economy.

We could have helped make American business more competitive by giving capital gains tax relief. And, by the way, all of that tax relief that we proposed, tax cuts that we proposed, they talk about it was for the rich. Between 70 to 80 percent of the tax relief we passed as part of the Contract With America were for families making less than $75,000 a year.

I do not know about my colleagues; districts, but in Las Vegas $75,000 a year is definitely not rich. And in Southern California most people cannot even afford to buy a house if they make $75,000 a year.

We saw working families struggling and we tried to help them and I was proud to be part of this freshman class that truly changed the scope of things.

Mr. JONES. If the gentleman from Nevada would yield for a moment.

Mr. ENSIGN. I would be happy to yield.

Mr. JONES. I have great respect for the gentleman from Texas, BILL ARCHER, who is chairman of the Committee on Ways and Means, and I compliment you as well as the other committee members.

One of the contract items that was absolutely vital to the future of this Nation, and Mr. ARCHER was out in front on it as well as many other Members, was welfare reform. I saw him on talk show after talk show defending welfare reform that we were trying to help citizens that were on welfare become productive working citizens.

I want to ask the gentleman this, and if he will respond, then I will stop. Mr. ENSIGN, is it not true that welfare has cost the American people, since the mid 1960's, the years of the Great Society, $5.3 trillion? And it is not also true that Bill Clinton, when elected as the President of the United States, for 2 years had a Democratic Senate and Democratic House and his welfare reform bill introduced until the Republicans became the majority? Is that true or not?

Mr. ENSIGN. Not only is that true, I think that one of the reasons maybe people do not believe us up here is because we do not give credit when credit is due. I think we need to give President Clinton the credit for the minimum wage. He brought this Congress fighting, dragging and screaming and everything to raise the minimum wage. Now, we had to do that, but the only way we would do that is by giving small businesses tax relief along with that, so we improved the bill. But we should give him credit for raising the minimum wage.

The President does not deserve credit for welfare reform. He is taking credit for it but he does not deserve credit for welfare reform, because, frankly, it was the Congress that did welfare reform. We recognized that welfare was destroying families. Illegitimacy rates are incredibly increased and a big factor in that is welfare.
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We tell a teenage mother, we say, if you get pregnant we will get you an apartment. You can move away from your parents, get you an apartment. You can have any man live with you except for the father of the child. Do not have any children. It is not a holy thing. And, by the way, if you want more money, have more children out of wedlock. If that is not a morally bankrupt system, I do not know what is.

And this Congress, with all of us working together, finally did the most sweeping social policy change in 60 years of this country, and we now have a true welfare reform bill that this President now signed into law because he was forced to.

Mr. WICKER. Reclaiming my time for just a moment. As my colleagues can see, the gentleman from Nevada being on the Committee on Ways and Means is on a committee that has a wide range of their earnings, and the tax measures that he mentioned on to welfare reform.

I am sure some of my colleagues will want to join in this debate on tax relief, because a great part of the Republican Contract With America is tax relief. But what the gentleman from Nevada has just outlined in the items that passed dealing with tax relief, the item on small business, we know that most jobs created in the United States today are created by small businesses, so that tax relief package is a job creation package. It is going to create jobs for people where they live out in the 50 States.

The gentleman mentioned the spousal IRA, which is very important to many, many women around this country. A tremendous achievement. Tax issues dealing with health, dealing with senior citizens, allowing them to retain more of their earnings, and then certainly the adoption tax credit.

I know the President mentioned on television how delighted the First Lady was when we passed the adoption tax credit and sent it to the President for his signature. And I am sure there are more women around this country who want to talk about the issue of tax relief for the American people. And I would be happy to yield at this point to the gentleman from Minnesota.

Mr. GUTKNECHT. I thank the gentleman. I think sometimes our critics here in the House, and some of the folks in the media, sometimes have tended to say that, well, we cannot balance the budget and provide tax relief at the same time. And I think the beauty of the budget plan that was put together by the gentleman from Ohio, Mr. KASICH, and others, was that it demonstrated that if we do it over years and the growth of entitlements and make some cuts in domestic discretionary spending while we freeze defense spending that we can balance the budget in 7 years and allow American families to keep a little more of what they work for and for what they earn.

Sometimes we do have to bring this all back. What does it mean? What does a balanced budget and reduced taxes mean to the working families of Minnesota? What does that really mean to them? Well, it means that more of the power is being returned to them.

As Senator PHIL GRAMM says, I know the family who now have the Federal Government and I know the difference. And every Sunday American families sit around their kitchen tables or their coffee tables and they clip 120 million coupons from their newspapers worth $2 billion a year. I think that is how American families balance their budget every single week.

Now, when is the last time my colleagues saw a Federal bureaucracy clipping coupons? As a matter of fact, what happens at the end of their budget cycle is they try to figure out how to spend every last penny so they will not be cut next year.

Let me just say that it ultimately means a balanced budget and tax relief for working families so that they can afford new homes and new cars, and so that there will be more jobs for the folks who need them. It means more security for our seniors and it ultimately means more opportunity for our kids.

I think, in the end, that is really what this debate is all about, it is about more accountability in Washington and more responsibility and authority and resources being returned to the American families. And that is where it should be, because they know how to balance the budget, they know how to get the job done.

It is not a decision about whether we are going to have more money for children or their nutrition or their education, it is a debate about who gets to do the spending, and we believe in families.

Mrs. SEASTRAND. If the gentleman will yield, he talked about those families sitting around the kitchen table trying to figure out how they are going to meet their expenses. I know they pinch pennies. I have been in that position, so I know what it is like to see how to make ends meet.

I thought it was interesting, I think all of my colleagues would agree with me, that very first day we were sworn in we were given our key to our office and we opened the office to see if we would have a desk and a phone connected, but I remember almost stumbling over a bucket. Do my colleagues remember that, a plastic bucket filled with ice cubes?

We did not have time to worry about that. I think someone threw the ice cubes in the sink and that was it. But what was amazing is that afternoon there was another bucket, and then there was this ritual for a week or 2 weeks. As my colleagues know, who is that all about? Where is this coming from?

It is interesting because that is what we came to, a place that was still delivering ice twice a day to each of our offices when we have refrigerators, our own little personal refrigerators, or we can run down to the cafeteria and get a Coke with ice in it. And many other times the ice just melted.

And what did we do? We went to work, this freshman class went to work to see how we could pinch pennies. Where is this coming from? Who is doing it? How much is it costing?

I thought it was amazing to find out that it took 34 people that night to deliver twice a day, and it also meant that it was costing the taxpayers, those families around that kitchen table, $500,000 a year. Well, we put a stop to it, and that is $500,000. And in the scheme of trillions of dollars, I think that little bucket that said, you know, you take a dollar here and a dollar there, and you add it up and it winds up to be a lot of money.

But I want to point out that not only on that first day did we slash and cut different things here in this building, but I think that ice bucket is symbolic of what we have tried to do in this House.

We cut the number of committees, we reduced staffs and budgets by a third, we restructured Members and operating budgets, we closed the in-house printing and folding services, we privatized mail and postal operations, we ended a lease on a warehouse that just—do my colleagues remember that—held obsolete furniture and equipment, and then we ended a lease on an unneeded parking lot, where we found out that many times lobbyists parked in, and we opened up and privatized that parking lot so that they could come and use this parking and know that they could get to their House.

We also did some things like privatizing the beauty and the barber shop and the shoe shines, all of this adding up to millions of dollars. Again, pinching pennies, symbolic of that bucket of ice, the way families all across America have to pinch their pennies every month to make ends meet.

Mr. EHRLICH. If the gentlewoman will yield, I apologize for changing the course of this discussion somewhat back to the philosophical, but I have a question for everybody.

There are an awful lot of Americans watching us right now, and that is good and that is part of democracy and that is a wonderful part about being in this House. It is very important that folks across the country hear this discussion, and I know that my colleagues all have the same experience I do when I go back to my district.

I am fortunate. As my colleagues know, I get to go back almost every night, and that is not the case with the other folks in front of me, and I apologize for that. It is a great part of being from Maryland.

I hear one question repeated over and over again, and I want to hear my colleagues’ opinions concerning how they would answer this question, and that is, what do you think of the First Lady, and that is, what do you think of the First Lady?

Well, Bob, I love the agenda the gentlewoman from California just articulated, I love the fact you have cleaned
up the House, I love the fact you have cleaned up the process, I love the fact you all have principles and you have maintained those principles in the House of Representatives, I like this agenda, I like this opportunity in society that you want to create in this country, I really like welfare reform and capital gains and the whole nine yards, but why is the message not out there? Why do some people believe that these are actually tax cuts for the rich?

The gentleman from Mississippi earlier stated that slowing the growth in Medicare was not even part of the Contract With America. What is your answer?

Mr. BURR. Mr. Speaker, I referred to the fact earlier that I found when I got to Washington that they add and subtract differently here. Inside the beltway an increase of 3 percent a year is in fact a cut because it is less than somebody wanted. In fact, anything less than what you want in Washington is considered a cut.

I think that raises a question. The question got down to what the gentleman from Minnesota raised earlier. That is, is it radical to believe that a family knows better how to spend their money than the Federal Government? I think that in fact the answer is, to this town that is radio, believe that Members would give up the power of more money, the power of more decision-making capabilities, more regulations, the perks of the office and that in fact it is inconsistent with much of the history of this institution.

In fact, in 2 short years we were able to turn that around.

Mr. EHRlich. Mr. Speaker, I would just like to make him feel better. The President of the United States shares your concern and your frustration. Does everybody here remember the President’s recent quote when confronted with the press with respect to the issue? The Republicans really do not want to cut Medicare at all, Mr. President. They want to slow the growth in exactly the same way you yourself advocated just 3 years ago.

And does anybody recall the President’s answer? He understood the difference, but it is shorthand, it is Washington. You cannot really tell the American people is only a few seconds. And it is the press’s fault. The press uses the term cut. It is not really a cut, but we have to use it in this town because that is the way we do things in this town; that is, we do not take time to explain ourselves to the American people.

I think that is what the President was. Does anybody remember that quote?

Mrs. SEASTRAND. I remember that quote. I might add, you are fortunate you can go home every night to Mary-

land. My trip is quite lengthy, 3,000 miles across this Nation to the central coast of California. But I do go home every weekend.

I know I have heard those same questions. You have done your work. We are upset with you, but why are you not getting the message out? As I stated earlier, I tried to yell this from the rooftop about what we have accomplished. Regarding the contract, we said 65 percent of it has now been signed.

But I will tell you one reason that I think adds to the situation of why our message has become more or less confused and foggy to some people. I am one of those freshman and I know there are several that joined us today that have been hit by big special interest groups from Washington, DC. I would just point out since April of last year, of April 1995, we just completed the contract. We are going into the budget discussion. And all of a sudden up on television tonight, in my district we had special interest ads bombarding me and bombarding me ever since then.

Over $600,000 have been spent in my little old district of outside money coming in trying to confuse the message and saying that I cut Medicare, $270 billion, that I cut student loans, that I have given tax credits to the rich to take care of the rich. It is an outrage. I just would say that shame on those big special interest groups who claim that they speak for the working men and women. That is one of the areas that we have had to put up with because we came here, as I said, to move the power and the influence and the money out of this place back home.

And so because we did that, we supported the contract, we gave every issue, we wanted to give more power to the working families at home. Those big special interests here in Washington have come to us and try to gain that power back so that they can once again have their perks and their special powers here and to heck with the people at home.

So I think there are many reasons, but I think that is a big special reason in many of our instances where almost half of that freshman class is now being bombarded by millions and millions of dollars from those people that are upset with our trying to change the way we do things.

Mr. WICKER. The gentleman is absolutely correct. I think it is fair to say to my colleagues and for us to say to the American people that we need to remind ourselves that there was another party in control of this body for 40 straight years, a body that refused to bring up these items, these 10 common-sense items of the Contract With America.

Frankly, they are not too anxious to balance the budget. They are not too anxious to have tax cuts for the American people. And for 40 years, under their rule, Government got bigger, taxes got higher. And Government got more and more intrusive. We had less and less personal freedom, less and less local responsibility. Quite frankly, they want their majority back and they are willing to say things that are not accurate about what we have been doing.

I have an example just from this morning’s Congress Daily where Senate Minority Leader Tom Daschle contended during a press briefing that depression was not a health care reform, health care, minimum wage, telecommunications, safe drinking water, farm and other legislation, “by and large this has not been a very productive Congress.” Senator Daschle went on to say, I believe this session is far short of what we have done in past Congresses. He added, because we spent almost all of our time stopping Senate Republicans from doing extreme things, I think extreme has been their favorite word for these last several months, although in tonight, 58 percent of House Democrats voted for the Contract With America.

The article goes on to say, when reporters pressed him afterward to name another Congress that had passed more legislation, he could not name one. I know there have to be several. I will get back to you on that, he said.

It is that sort of disinformation that we believe, Mr. Speaker, we Republicans have had to come back for the duration of this Congress.

Mr. BURR. Mr. Speaker, if the gentleman will continue to yield, your last comment strikes me as something that we all heard before we got here. That was a Congress that said to the American people, I cannot answer that today, but I will get back with you later. The fact is that Mr. Gutknecht from Minnesota said earlier that the freshman class has an interest in not being re-elected to that. In fact, he was partially right. I think the correct answer is the American people sent a new mindset to Washington. In fact, why we see the situations of outside interests in California and 28 other districts around the country of large special interests and why they have an interest in that district is, in fact, the flip-flop, the breakdown of power in Washington, that there are people that feel that for 40 years they have built an empire that in 2 short years is beginning to crumble.

They are going to look and spend any amount and say anything to change the trend of the American people taking back over their Congress. The reality is that, in fact, the most changes have happened in this 2-year period than probably in the 2-year period in the history of this institution.

I, for one, have been proud to be a part of it.

Mr. WICKER. Mr. Speaker, I would simply call on my colleagues to add anything they might want to in the way of closing remarks for this special order.
Mr. EHRLICH. Mr. Speaker, if I went to this well every day and looked into that camera and said, folks, Mr. WICKER from Mississippi is wearing a blue tie today and I bought $100 million of ads and ran them across the country, and I said about telling the truth or shooting straight or having integrity but I loved those 30-second attack ads and every one of those attack ads said, Mr. WICKER is wearing a blue tie, do you know what? I bet you by election day, some people would be- 

Mr. WICKER. It is a yellow tie with very small elephants on it.

Mr. EHRLICH. In much the same way some people will believe tax cuts for working folks are tax cuts for the rich, in a very similar way some people will believe that slowing the growth in Medicare from 10 percent to 7 percent a year is a cut and on and on and on. I will close with this: I think the American people are a lot smarter than that.

Mr. WICKER. Before I yield to the gentlewoman from California, you have mentioned tax cuts. Let us remind ourselves, I think it is important to remind ourselves that President Clinton campaigned in 1992 on a middle class tax cut. Instead, he raised taxes on the American people the very next year. And the minority leader of this House got up before the Democrat convention in Chicago just a few weeks ago and said about that tax hike that the Democrats passed without a single Republican vote, what we did was right and our President did what was right, and I would do it again tomorrow and so would Bill Clinton.

When it comes to taxes, I am afraid that is the truth. They think tax increases and they would do it again tomorrow if they get a chance.

Mrs. SEAstrand. Mr. Speaker, it is just interesting, I am pleased to participate with you this evening, but as we mentioned, we were trying and we still try to give power back to the folks at home, move that money and power and influence from Washington, DC to each and every one of our special places; for me, to California. And I think it is really something when you think that you gave your word, you kept your word, you kept your promises and you are called an extremist for doing so.

I would just say that for doing so, I have been punished more or less with having that outside money come in. I often tell people, if you try to go to Washington and try to change the way things were, then you see why nothing was done for 40 years. Because when you take $100 million and you put it in the box of the way they did things, you are punished with those ads and misinformation.

I think the gentleman from Maryland is right. I am hoping that the good American people will be able to see through this and will again go to the polls and reelect those that are trying to work for them and give them back their Government.

Mr. BURR. Mr. speaker, I would simply say in closing that I know that my colleagues agree when I say that character does matter, that conviction does matter, that commitment does matter, that there is, quite honestly, character, there is courage, that there is conviction, there is hope, and there is commitment, there are results.

And if I could sum up this freshman class in the 105th Congress, it would be this: I think we have been courageous, that we have maintained a sense of hope for the future and hope for this country and love for the families and that, in fact, we should be judged based upon the results, the results of 2 years, not a year and a half, like some want to judge us, but the full 2 years and the impact that we have made on changing how we represent the American people.

I am proud of the change, and I look forward to serving with each one of you in the 106th Congress so that we can continue with the progress that we made in the 105th Congress.

Mr. WICKER. Mr. Speaker, in the minute or two that I have remaining, I just want to remind my colleagues of why we are here this evening. For this Congress and for America, the historic Contract With America was a positive agenda to restore commonsense Government. The contract, in its intents and in its substance, has been distorted and criticized in recent months as a failure and somehow being extreme. Tonight we have documented that the contract has largely been a success, with almost two-thirds of its legislative items passed by Congress and signed into law by President Clinton. Further, we have shown that the contract was anything but extreme, with widespread public support, over 60 percent of the American people support all 10 items of the Contract With America. Much of the contract passed the House with significant bipartisan support, as I said, 58 percent of House Democrats voting for the Contract With America.

My colleagues have repeatedly shown tonight that the contract’s legislation will have a real and positive effect on the lives of all Americans.

Mr. Speaker, at this point I want to thank my colleagues for participating in this special order.

Mr. Speaker, at this point I want to thank my colleagues for participating in this special order.

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. WICKER) and to include extraneous matter:)

Mr. UNDERWOOD.

Mr. LISINSKI.

Mr. BERMAN.

Mr. VISCOLOSKY.

Mr. JACOBS.

Mr. BARCA.

Mr. WILLIAMS.

Mr. CLEMENT.

Mr. STARK.

Mr. BRYANT of Texas.

Mr. KENNEDY of Rhode Island.

Mr. CARDIN.

Mr. BARRETT of Wisconsin.

Mr. MILLER of California.

Mr. ENGEL.

Mr. J JACKSON of Illinois.

Mr. MARTINEZ.

Mr. BENTSEN.

Mr. HASTINGS.

Mr. GEJDENSON.

Mr. EVANS.

Mr. KLEczka.

Mr. SERRANO.

Mrs. LOWEY.

Mr. POMEROY.

Mr. BONIOR.

Ms. EDDIE BERNICE JOHNSON of Texas.

(The following Members (at the request of Mr. WICKER) and to include extraneous matter:)

Mr. CAMP.

Mr. LIGHTFOOT.

Mr. NEY in three instances.

Mr. BAKER of Louisiana.

Mr. NEY in three instances.

Mr. KOLBE.

Mr. CRANE.

Mr. OXLEY.

Mr. HYDE.

Mr. ZELIFF.

Mr. SHAYS.

Mrs. J JOHNSON of Connecticut.

Mr. HORN.

Ms. ROUKEMA.

Mr. BUNNING of Kentucky.

Mr. FRELINGHUYSEN.

Mr. BAKER of California.

Mr. PORTER.

Mr. BURTON of Indiana.

Mr. DUNCAN.

(The following Members (at the request of Mr. WICKER) and to include extraneous matter:)

Mr. HEPFNER.

Mr. MOAKLEY.

Mr. ACKERMAN.

Mr. SPRATT.

Ms. KELLY.

Mr. LEWIS of Kentucky.

Mr. DDOLEY of California.

Mr. DIXON.

Mr. FARR of California.

Mr. BARCA in two instances.
Senate Bill Referred

A bill of the Senate of the following title was taken from the Speaker’s table and, under the rule, referred as follows:

S. 1875. An act to designate the United States courthouse in Medford, Oregon, as the “J” James A. Redden Federal Courthouse; to the Committee on Transportation and Infrastructure.

Enrolled Bill Signed

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3666. An act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1997, and for other purposes.

Senate Enrolled Bill Signed

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 3207. An act to provide for the extension of the Parole Commission to oversee cases of prisoners sentenced under prior law, to reduce the size of the Parole Commission, and for other purposes.

Bill Presented to the President

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 3666. An act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1997, and for other purposes.

Adjournment

Mr. WICKER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o’clock and 31 minutes p.m.), the House adjourned until tomorrow, Thursday, September 26, 1996, 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:


5296. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service’s final rule—Irish Potatoes Grown in Colorado; Assessment Rate [Docket No. FV-96-249], received September 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.


5298. A letter from the Deputy Secretary of Defense, transmitting the Department’s report on opportunities for greater efficiencies in the operation of the military exchanges, commissary stores, and other morale, welfare, and recreation [MWR] activities, pursuant to Public Law 104-166, section 399, to the Committee on Commerce.


5300. A letter from the Director, Office of Management and Budget, transmitting OMB’s estimate of the amount of change in outlays or receipts, as the case may be, in outlays and receipts of the Federal Government resulting from passage of H.R. 740, pursuant to 100 Stat. 2775, to the Committee on the Budget.

5301. A letter from the Secretary of Health and Human Services, transmitting the fiscal years 1993 and 1994 annual reports of the National Institute for Occupational Safety and Health [NIOSH], Centers for Disease Control and Prevention [CDC], pursuant to 29 U.S.C. 671(j); to the Committee on Economic and Educational Opportunities.

5302. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting notification that no exceptions to the prohibition against favored treatment of a government employee or contractor were granted by the Secretary for the calendar year 1995, pursuant to 31 U.S.C. 3121 note, to the Committee on Commerce.

5303. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting the annual report of material violations or suspected material violations of regulations of the Secretary, pursuant to 31 U.S.C. 3121 note, to the Committee on Commerce.

5304. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency’s final rule—Approval and Ratification of Air Quality Implementation Plans; the Commonwealth of Kentucky—Disapproval of the Request to Redesignate the Kentucky Portion of the Cincinatti-Northern Kentucky Moderate Ozone Nonattainment Area to Attainment and the Associated Maintenance Plan [FRL-5067-3] received September 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5305. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency’s final rule—Solid Waste Disposal Facility Criteria; Re-establishment of Ground Water Monitoring Exemption for Small, Municipal Solid Waste Landfills Located in Either Dry or Remote Areas [FR-5065-8] received September 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5306. A letter from the Managing Director, Federal Communication Commission, transmitting the Commission’s final rule—Amendment of Section 73.202(b) Table of Allocations, FM Broadcast Stations (Castana, Iowa) [MM Docket No. 96-33, RM-8791] received September 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5307. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 73.202(b), Table of Allocations, FM Broadcast Stations (Wellingtton, Colorado) [MM Docket No. 96-31, RM-8792] received September 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5308. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 73.202(b), Table of Allocations, FM Broadcast Stations (Eliberton, Georgia) [MM Docket No. 95-163, RM-8793] received September 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5309. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 73.202(b), Table of Allocations, FM Broadcast Stations (Elberton, Georgia) [MM Docket No. 96-165, RM-8793] received September 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5310. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 73.202(b), Table of Allocations, FM Broadcast Stations (Eliberton, Georgia) [MM Docket No. 95-163, RM-8793] received September 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5311. A letter from the Secretary of Energy, transmitting the Department’s report entitled “1995 Annual Report on Low-Level Radioactive Waste Management Progress,” pursuant to Public Law 99-240, section 7(b); to the Committee on Commerce.

5312. A letter from the Clerk, U.S. Court of Appeals, District of Columbia Circuit, transmitting an opinion of the U.S. Court of Appeals for the District of Columbia Circuit, on behalf of certain of its members versus Environmental Protection Agency; to the Committee on Commerce.

5313. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force’s proposed Letter(s) of Offer and Acceptance (LOA) for defense articles and services (Transmittal No. 96-74), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5314. A letter from the Chief of Staff, Social Security Administration, transmitting the Administration’s final rule—Social Security Disability Benefits Program: Limitation on Physician Charges and FEHBP Program Payments (RIN: 0960-AE12) received September 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

5315. A letter from the Director, Office of Personnel Management, transmitting the Office’s final rule—Federal Employees Health Benefits Program: Limitation on Physician Charges and FEHBP Program Payments (RIN: 0960-AG31) received September 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.
REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SPENCE: Committee on National Security. H.R. 3142. A bill to establish a demonstration project to provide the Department of Defense may receive Medicare reimbursement for health care services provided to certain Medicare-eligible covered military beneficiaries; with an amendment (Rept. 104-837, Pt. 1). Ordered to be printed.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2561. A bill to provide for an exchange of lands located near Gustavus, AK, for other lands donated to the Government of the State of Alaska; with an amendment (Rept. 104-836). Ordered to be printed.

Mr. BLILEY: Committee on Commerce. H.R. 4012. A bill to waive temporarily the Medicare enrollment composition rules for the Wellness Plan (Rept. 104-840, Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 2579. Referral to the Committee on International Relations extended for a period ending not later than September 25, 1996.

H.R. 2923. Referral to the Committee on Ways and Means extended for a period ending not later than October 11, 1996, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of the committee pursuant to clause 1(e), rule X (Rept. 104-840, Pt. 1). Ordered to be printed.

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. HYDE:
H.R. 4014. A bill to provide for the extension of certain authority for the Marshal of the Supreme Court and the Supreme Court Police; to the Committee on the Judiciary.

Mr. HOKE (for himself and Mr. TRAFICANT): H.R. 4105. A bill to provide for certain changes with respect to requirements for a Canadian boater landing permit pursuant to section 225 of the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. CLAY (for himself, Ms. VELAZQUEZ, Mr. MILLER of California, Mr. KILDEE, Mr. WILLIAMS, Mr. MARTINEZ, Mr. OWENS, Mr. PAYNE of New Jersey, Ms. MINK of Hawaii, Mr. ANDREW, Mr. BECERRA, Mr. SCOTT, Mr. GREEN of Texas, Ms. WOOLSEY, Mr. FATTAL, Mr. ABERCROMBIE, Mr. BERNST, Mr. BONIOR, Mr. BROWN of California, Mr. BROWN of New Jersey, Mr. CLAYTON, Mr. CONYERS, Mr. DELLUMS, Mr. DIXON, Mr. ENGL, Mr. EVANS,
Mr. FOGLIETTA, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. HILLIARD, Mr. HINCHY, Mr. HOLDEN, Mr. JACKSON, Mr. KANTOR, Mr. LEVIN, Mr. LIPINSKI, Ms. LOFGREN, Mr. MANTON, Mr. MASCARA, Mr. MOAKLEY, Mr. MORA, Mr. OLVER, Mr. RAHAL, Mr. RAUPP, Mr. ROYBAL-ALLARD, Mr. SERRANO, Mr. THOMPSON, Mr. TORRES, Mr. VENTO, Mr. WISE, Mr. WYNN, and Ms. ZEVALLOS.

H.R. 4166. A bill to amend the Fair Labor Standards Act of 1938 to provide for legal accountability for sweatshop conditions in the garment industry and for other purposes; to the Committee on Economic and Educational Opportunities.

By Mr. WILLIAMS (for himself, Mr. WYNN, and Mr. MANTON).

H.R. 4167. A bill to provide for the safety of journeyman boxers, and for other purposes; to the Committee on Economic and Educational Opportunities.

By Mr. WILLIAMS (for himself, Mr. WHITE, and Mr. CAMPBELL).

H.R. 4168. A bill to amend the Equity Act of 2014 to provide a sentence of community service without employer-provided health coverage a refundable credit for their health insurance costs; to the Committee on Ways and Means.

By Mr. MCHUGH.

H.R. 4169. A bill to extend the deadline under the Federal Power Act applicable to the construction of the AuSable Hydro-Electric Project and for other purposes; to the Committee on Commerce.

By Mr. MCDERMOTT (for himself, Mr. GIBBONS, Mr. RANGEL, Mr. STARK, Mr. COYNE, and Mr. NEAL of Massachusetts).

H.R. 4170. A bill to amend Section 301 of the Trade Act of 1974 to provide for the consideration of the application submitted by Argentina concerning the designation of Argentina as a country engaged in unfair labor practices in the manufacture of certain wool and cotton products.

By Mr. BALDWIN.

H.R. 4171. A bill to amend the National Forest System; to the Committee on Natural Resources.

By Mr. LANTOS, Mr. LATORRETTA, and Mr. FOX.

H.R. 4172. A bill to amend the Fair Labor Standards Act of 1938 to establish the Fallen Timbers Battlefield, Fort Meigs, and Fort Miami National Historical Site in the State of Ohio; to the Committee on Resources.

By Mr. LAZIO of New York:

H.R. 4173. A bill to require the Secretary of Education to report to Congress on the feasibility of establishing a National Environmental Science and Policy Academy; to the Committee on Science, and in addition to the Committee on Resources.

H.R. 4174. A bill to establish the Fallen Timbers Battlefield, Fort Meigs, and Fort Miami National Historical Site in the State of Ohio; to the Committee on Resources.

By Mr. RYBAK.

H.R. 4175. A bill to require the Secretary of Defense to designate the United States border station located in Pharr, TX, as the "Kika de la Garza United States Border Station"; to the Committee on Transportation and Infrastructure.

By Mr. WELLER.

H.R. 4176. A bill to amend the National Trails System Act to designate the Lincoln National Historic Trail as a component of the National Trails System; to the Committee on Resources.

By Mr. WILLIAMS:

H.R. 4177. A bill to authorize the construction of the Fort Peck Reservation Rural Water System, Montana, and for other purposes; to the Committee on Resources.

By Mr. STARK:

H.R. 4178. A bill to amend title XVIII of the Social Security Act to provide for coverage of vancomycin home parenteral therapy under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 4179. A bill to provide for the study of the operational aspects of the Federal Emergency Management Agency, and for other purposes; to the Committee on Natural Resources.

By Mr. McGINNIS:

H.R. 4180. A bill to amend Section 1851(a) of title 42, United States Code, to improve benefits for veterans exposed to ionizing radiation; to the Committee on Veterans' Affairs.

By Mr. VENTO.

H.R. 4181. A bill to provide for increased mandatory minimum sentences for criminals possessing firearms, and for other purposes; to the Committee on the Judiciary.

By Mr. BONO (for himself, Mr. MCCURDY, Mr. BINKLEY, Mr. DAVIS, Mr. FORSE, Mr. FLAKE, Mr. KING, Mr. BONO, and Ms. MCKINNEY).

H.R. 4182. A bill to enhance competition in the financial services industry and merge the commercial bank and savings association charters; to the Committee on Banking and Financial Services, and in addition to the Committee on 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. SMITH of California:

H.R. 4183. A bill to amend the Federal Election Campaign Act of 1971 to require the disclosure of expenses associated with the polls conducted in connection with the election for Federal office, and for other purposes; to the Committee on House Oversight, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SPRATTT.

H.R. 4184. A bill to suspend temporarily the duty on certain chemicals; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 4185. A bill to amend title XVIII of the Social Security Act to pay for parenteral nutrients provided as part of renal dialysis services as part of payment for renal dialysis services under the Medicare Program; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 4186. A bill to designate the United States border station located in Pharr, TX, as the "Kika de la Garza United States Border Station"; to the Committee on Transportation and Infrastructure.

By Mr. WELLER.

H.R. 4187. A bill to amend the National Trails System Act to designate the Lincoln National Historic Trail as a component of the National Trails System; to the Committee on Resources.

By Mr. WILLIAMS:

H.R. 4188. A bill to authorize the construction of the Fort Peck Reservation Rural Water System, Montana, and for other purposes; to the Committee on Resources.

By Mr. STARK:

H.R. 4189. A bill to amend title XVIII of the Social Security Act to provide for coverage of vancomycin home parenteral therapy under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 4190. A bill to amend title XVIII of the Social Security Act to provide for coverage of outpatient parenteral antimicrobial therapy under the Medicare program; to the Committee on Ways and Means, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACHUS:

H. Con. Res. 218. Concurrent resolution expressing the sense of the Congress that the President should categorically disavow any intention of issuing pardons to James or Susan McDougal or Jim Guy Tucker, to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island:

H. Res. 316. Resolution providing for the concurrence of the House, with an amendment, to the Senate amendment to the bill H.R. 3166; considered under suspension of the rules.
PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

Mr. TAUZIN introduced a bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel Spirit of the Pacific Northwest; which was referred to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows: