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HOUSE OF REPRESENTATIVES—*Thursday, September 17, 1992*

The House met at 8:30 a.m.

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

O gracious God, as You have called us to be good stewards of our lives and devoted to the welfare of the people, may we be faithful to that calling and steadfast in our responsibilities.

On this day we remember the diligent work and service of our colleague and friend, WALTER JONES. We recall with appreciation his long devotion to the people that he represented and to this institution, and for his friendship and his good will toward those about him.

May Your blessing, O God, be with him and his family and may Your benediction be ever with us. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from South Carolina [Mr. DERRICK] please come forward and lead the House in the Pledge of Allegiance?

Mr. DERRICK led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. After consultation with the minority, the Chair announces it will receive no 1-minute requests.

WAIVING ALL POINTS OF ORDER AGAINST S. 12, CABLE TELEVISION CONSUMER PROTECTION AND COMPETITION ACT OF 1992, AND AGAINST CONSIDERATION OF SUCH CONFERENCE REPORT

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 571 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 571

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (S. 12) to amend title VI of the Communications Act of 1934 to ensure carriage on cable television of local news and other programming and to restore the right of local regulatory authorities to regulate cable television rates, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read when called up for consideration.

The SPEAKER. The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON], 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 571 waives all points of order against the conference report on S. 12, the Cable Television Consumer Protection and Competition Act of 1992 and against its consideration. The resolution also provides that the conference report will be considered as read.

Mr. Speaker, the Cable Television Consumer Protection and Competition Act of 1992 protects consumers by preventing unreasonable rates, by improving the cable industry's customer-service practices, and by sparking the development of a competitive marketplace.

Briefly, the conference agreement requires cable operators in areas where there is no effective competition to provide a basic level of service at rates determined by the Federal Communications Commission to be reasonable. The FCC would also have the authority to prosecute cable providers that charge unreasonable rates.

The legislation promotes competition by prohibiting a local franchising authority from refusing to grant additional cable franchises in the local community. In addition, it prohibits cable programmers who are affiliated with cable operators from granting exclusive contracts to cable operators if the FCC determines such contracts not be in the public interest.

The legislation also requires the FCC to set certain minimum customer-service standards. Local authorities, however, would be allowed to require stricter customer-service standards if they were part of a franchise agreement.

Overall, the conference agreement on S. 12 is fair and balanced legislation that will provide increased consumer protection and promote increased competition in cable television and related markets.

Mr. Speaker, House Resolution 571 will allow the House to consider this conference agreement. I urge my colleagues to support the rule and the conference report.

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

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

Mr. Speaker, I thank the gentleman from South Carolina for yielding me half of his time.

Mr. Speaker, I see five Members on the floor here. We are about to sock it to the users of cable television across this country, and I would advise Members if they are anywhere around their offices to turn on their TV sets and find out what is in this conference report. Nobody knows what is in this legislation except perhaps the five Members here on the floor.

Mr. Speaker, I rise today in strong opposition to this rule, the rule for the highly controversial Cable Television Consumer Protection and Competition Act. This rule waives all points of order against the conference report and against its consideration.

Mr. Speaker, I am well aware of the strict time constraints that we are all under as the target adjournment date for the 102d Congress draws near. I think if we get out of here by October 2, there are only 8 legislative days left.

I realize that in certain circumstances it may be necessary to waive some points of order against con-

ference reports in order to expedite matters, and I am willing to go along with that. But I have to warn my colleagues wherever they are right now at 8:30 in the morning that this conference report on the cable bill is loaded with scope violations and germaneness problems. To bend the House rules, and to rush this terribly important legislation through, is going to have dire consequences.

At the meeting of the Committee on Rules last Tuesday we had a very distinguished and very engaging panel testify on the pros and cons about this conference report. I must admit I was very impressed with what the chairman of the Committee on Energy and Commerce, the gentleman from Michigan [Mr. DINGELL], and the chairman of the Subcommittee on Telecommunications and Finance, the gentleman from Massachusetts [Mr. MARKEY], had to say in support of the rule and the conference report. They have both done an incredible amount of work on this legislation and they deserve a lot of credit. As matter of fact, they did such a good job that I voted for this bill when it was passed by the House a few weeks ago.

I was also impressed by the arguments against the conference report as conveyed by the ranking member of the Committee on Energy and Commerce, my good friend, the gentleman from New York [Mr. LENT], who is retiring, and the second ranking member of the committee, the gentleman from California [Mr. MOORHEAD]. But I was especially moved by the testimony of the chairman of the Committee on the Judiciary, the gentleman from Texas [Mr. BROOKS], and the chairman of the Subcommittee on Intellectual Property and Judicial Administration, the gentleman from New Jersey [Mr. HUGHES], who I see has come to the floor.

The Committee on the Judiciary was unjustly bypassed on the highly controversial issue of retransmission consent. To add insult to injury, under this rule no debate time has been set aside for the Committee on the Judiciary, no debate time on this very, very important issue. Their testimony reaffirms my opposition to what I believe is a concerted effort by a select few around here to skirt and evade the rules of this House.

Last July, the House passed a good cable bill, and, as I just said a minute ago, I supported that cable bill, which did not contain this contentious retransmission consent provision. I supported the bill because it would reregulate the cable industry and control rates. That bill was passed with over 300 votes for it and only a handful against.

The gentleman from Michigan [Mr. DINGELL] was concerned about infringing on the Judiciary Committee's jurisdiction, and he personally went to great lengths to leave the retransmission consent provision out of his bill when it was passed by the House in July.

□ 0840

The Senate version, however, did include this retransmission consent provision. And now we learn that the conference report also includes this extremely controversial language.

Mr. Speaker, this is a dangerous precedent and one that I absolutely must oppose in trying to defend the committee structure that we have operated under for 200 years. The House needs to study the implications of this retransmission consent provision which, by the broadcasters' own admission, listen to this, will bring them revenues of over $1 to $3 billion. And I can tell my colleagues, if the broadcasters admit that this provision is going to bring in revenues of up to $3 billion, we can bet it is going to be double that.

I ask my colleagues, who is going to pay for that cost? Who is going to pay for that, whether it is $1 billion or $3 billion or $6 billion? I am betting my colleagues right now it will be $6 billion. Who is going to pay for it? Is the cable industry going to pay for it? No. They are not going to pay for it. The costs will be passed on to the American family that uses cable service. And I hope my colleagues are as aggravated about what has been happening as I am.

I have in my district an expanse of 10,000 square miles with 187 little villages and towns. Many of them are nestled back in the mountains. Many of them cannot get broadcasts from stations other than on cable.

I believe we need to have some regulation over the cable industry because the cable companies are a licensed monopoly. So they have to be regulated, and that is what we did in July. We passed a bill to reregulate them.

But by the same token, the broadcasters are a licensed monopoly as well who are already paid by their advertising clients, whether it is Anheuser-Busch or Ivory Soap or whomever. They have tremendous revenues coming in, revenues that pay the huge salaries of Dan Rather and Tom Brokaw in millions of dollars. They already have their revenue coming in from the monopolistic franchise issued to them by the FCC, which gives them the license to send out that signal, a legal monopoly.

I cannot go into competition and put up a television station right next to theirs, because they have the franchise. They have the monopoly. To allow them to charge a mandatory fee to the cable companies who will then pass it on to the consumers, my colleagues, is dead wrong. But we are not even going to have a chance to debate and vote on this particular issue.

This is a frightening prospect to every Member of this body, to all five of us on the floor right now. It is dangerous to set a precedent which would allow this House to pass this kind of important legislation without the remotest semblance of proper legislative procedure.

I just do not know what is going on around here.

The gentleman from Texas, Chairman BROOKS, is a member of the Democrat Party, and a very respected member. He is a former marine. That is why I like him.

But the gentleman from Texas, Chairman BROOKS, came to the Committee on Rules, requesting that at least 1 hour of debate be given to his committee, the Committee on the Judiciary, so that it could alert Members about the problems retransmission consent will cause. Why would the gentleman from Texas, JACK BROOKS, come up to the Rules Committee and almost beg us for time, an additional hour to present his side of this? Because a debate time extension is consistent with the rule we adopted on the family and medical leave conference report. In that rule, we allowed 90 minutes, equally divided between three committees of jurisdiction. Remember that? That is what we did.

In this instance, while the Committee on the Judiciary was not a party to the conference, the retransmission consent provision included in the conference report is within the jurisdiction of the Committee on the Judiciary. And had the provision either been reported from the House Committee on Energy and Commerce or at least adopted on the floor of the House, the Committee on the Judiciary would have clearly been included as a party to the conference.

To not grant the Committee on the Judiciary the courtesy of 1 extra hour of debate, is just an outrage. It really is. We ought to be ashamed of ourselves.

It means that Members of this House are going to be voting on this legislation without the slightest idea of what it may do. An increase in monthly cable rates by as much as 20 to 30 percent is possible. That is the $6 billion I was talking about. Somebody is going to pay for that.

I have a memo distributed by the Parliamentarian's Office listing the scope violations in this bill. There are two egregious violations on pages 80 and 81. I think we all ought to read this, if we have time. Of course, there will not be any time because we do not have adequate debate time. I think every Member should think carefully, Mr. Speaker, before voting in favor of this rule that protects major violations such as those I have just mentioned. And I would just hope that if we defeat the rule, we will come back here with a rule that at least is going to allow the customary 1 hour of debate given to the Committee on Energy and Com-

merce and another 1 hour of debate given to the gentleman from Texas, JACK BROOKS.

Let the American people know what we are voting on. But even more important than that, let us know what we are voting on ourselves. I do not believe there are 10 Members out of 435 who know what is in this conference report.

I spent most of the night reading everything I could, and I am still confused myself. Imagine what the rest of the Members are.

Mr. Speaker, I now include for the RECORD the memo by the Parliamentarian's Office to which I referred.

S. 12—CABLE TELEVISION CONSUMER PROTECTION AND COMPETITION ACT

Scope violations:

Page 80 of the joint statement of managers: Equal employment opportunities provisions—House language applies only to cable companies. Conference agreement applies new standards to TV licensees.

Page 81 of the joint statement of managers: Describes FCC Media Bureau (new matter).

Questions raised on the following:

Page 16 of the joint statement of managers: Definitions. Conference agreement states that some may be deleted in their entirety.

Page 28 of the joint statement of managers: Definition of cable programming is rewritten to permit installment or rental of equipment (may have been implied in the bill; however, this is an explicit delineation.

Page 46, first full paragraph: Have they written in one new rule on retransmission?

Page 58: In the clarifying language, it appears to add a new safeguard.

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

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 8 minutes to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Speaker, I thank the gentleman for yielding time to me. I thank the Committee on Rules, the gentleman from South Carolina [Mr. DERRICK] and the gentleman from Massachusetts [Mr. MOAKLEY] for giving us the opportunity to debate this important issue out here on the floor in such a timely fashion.

This is without question one of the most important issues that will be before the Congress this year. It will be the most important consumer protection issue that is debated on the floor of the Congress in 1992.

As a result, the Members should pay very careful attention to the debate and to the arguments which are made from both sides of the aisle.

The Consumer Federation of America, the AFL–CIO, the American Association of Retired Persons want a "yes" vote on the cable reregulation bill. They know that there has been an annual overcharge of $6 billion on the part of the cable industry, which has been shouldered by consumers across this country.

A vote for the cable bill today has the effect of giving a $6 billion tax cut to Americans across this country. And make no mistakes about it, when the Consumer Federation of America, the AFL–CIO, and every elderly group in America are on one side and the cable industry is on the other side, there is no question as to whether or not rates are going to be lowered, whether or not the consumer is going to be given a break, if this legislation passes.

So just look at who is wearing which uniform in the course of this debate.

We accomplish a number of very important things in this legislation. We first of all create a formula which puts tight controls over the basic rates of cable in this country. We also ensure that local communities will be able to do something about the renegade cable operators in this country that take the upper tiers that consumers across this country are so familiar with and double, triple, and quadruple the rates year after year for those upper tiers.

We give now, finally, since 1984, some opportunity for local communities to appeal those rate increases. The 1984 Deregulation Act stripped local cities and towns of that right. We reinvest authority with them in order to protect consumers.

As well, we also impose for the first time since 1984 tough service standards on the cable industry. People across this country are just fed up with calling their local cable company and having that phone just ring and ring and ring. And once it is answered, waiting days and days for the cable repairman to do something about their system, about their own home set.

□ 0850

This bill reinvests the authority and will make it possible for consumers to have some accountability from their local cable system.

Second, what we do as well is to ensure that there will be some competition in the cable industry. Since 1984, when the Act was passed, we have been operating under a presumption that at some point in time cable companies would begin to compete against another cable company. So if we had a cable company in our town, our city, and many, many people were unhappy with it, our thought was another cable company will move into town and if we are unhappy with cable company A, cable company B would be there.

However, in 99 percent of the communities in America that have cable, there is only one cable company. Cable companies do not compete against other cable companies. If we do not buy from one cable company, that is it. We will not have cable in our local community. That is not competition.

What we do in this legislation is, we build in competition. We build in the guarantee that over the next half a decade, no longer, that there will be a massive introduction of competition at the local level so that if we are unhappy with the local cable company, we would be able to find another way in which to gain access to cable.

Third, what we do is, we ensure that local broadcasters, the same as HBO, the same as ESPN, the same as CNN, the same as any other cable programming, will be compensated from the cable industry for the use of their signal.

Remember this, every time we turn on the cable TV set right now we are paying, we are paying for the local broadcasting channels, except the money goes to the cable industry. It does not go to the local broadcasters.

What we do now is, we make sure that within that set of revenues that already exists, that revenues will now flow to the local broadcaster. The free over-the-air television that 40 percent of all Americans—and remember, 40 percent of all Americans do not even subscribe to cable, and we are seeing a constant diminution in the overall quality of that programming.

We will not continue to see the undermining of that quality at the same rate that we have seen over the last decade when this legislation passes, because we will have shored up their ability to have local news, to have locally originated programming, to have public affairs programming, to have children's programming at the local level that will go to the lower socioeconomic part of our economic spectrum that does not subscribe to cable.

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

Mr. MARKEY. I am glad to yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, as the gentleman knows, I have great respect for him and for the gentleman from Michigan [Mr. DINGELL], and for the hard work they did on the bill. I agree with just about everything the gentleman said, and that is why I supported the bill that he drafted, which was passed by this House overwhelmingly a few weeks ago.

However, if what the gentleman says is true, if this conference report, with the retransmission provision in it, will reduce rates, what would happen if we took out retransmission? Would that not reduce rates even further?

Mr. MARKEY. Mr. Speaker, I would say to the gentleman, that is not necessarily so.

Mr. SOLOMON. If the gentleman would continue to yield, if there is a new charge put in, somebody has to pay for that.

If we take out retransmission, which creates a cost of $3 billion, that should mean a saving. That is why the gentleman does not support retransmission; he would rather see it out of this bill because he did not put it in the first place; is that right?

Mr. MARKEY. Reclaiming my time, Mr. Speaker, I would say again, be-

cause there is a lot of misinformation on this subject, what we do is we ensure that no longer will the consumers of America have to rent their clicker every single month for $4 or $5. If we multiply that by 12 months, multiply it by 10 years, we are paying $600 to rent this clicker over a decade.

The same thing is true of the converter box. We ensure that we are always protected against rate gouging on the converter box. We go down this whole list, and what we do is, we dramatically reduce the cost, up to $6 billion of charges to the consumer.

What we do on the other side is, we say that the broadcasters should be compensated the same way the sci-fi channel or the comedy channel or any of the other new channels that we are trying to introduce, Nashville, all the way down the line, are reimbursed.

If they have to pay Nashville a little bit less, to pay the sci-fi channel a little bit less, to pay some of these other channels a little less in order to get revenues over to Channel 4, 5, 7, and 9 so that the local children's programming, the local news and public affairs programming that the rest of us watch on free television is there, fine.

It is meant to be within the same existing pool of money; no additional moneys that are going to the cable industry or to the broadcasters; it is the same pool of money.

There is a complete misunderstanding about this. In the course of the morning I think it is going to be quite clear that the consumers are benefitted, or else the Consumer Federation of America would not want a "yes" vote on this bill.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume. In yielding to the gentleman from Texas, let me just read a paragraph that was in the New York Times yesterday. It quotes my good friend, the gentleman from Massachusetts [Mr. MARKEY]. The article says:

> The reality is probably less dramatic than either side portrays it. Representative Edward J. Markey (Democrat) of Massachusetts, the bill's sponsor in the House, said today that, "Rates would merely go up less than they would if we had no legislation altogether."

If we took out retransmission, that means they should go down. That is what we are arguing about today.

Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Texas [Mr. BARTON], a member of the committee.

Mr. BARTON of Texas. Mr. Speaker, I thank the gentleman from New York for yielding time to me.

Mr. Speaker, we are here today to debate an issue, quite frankly, that should have died in subcommittee or full committee earlier this year. The rhetoric is that we are here to try to protect the cable consumer and lower their rates. That is the rhetoric, but that is not the reality. I am on the Subcommittee of Telecommunications and Finance, and I am on the full Committee on Energy and Commerce. I have been involved with this issue for over a year.

Let me tell the Members that this bill is not about lowering cable rates, and it is not even about freezing cable rates. What the issue is really about is an economic tug-of-war between our cable owners and our over-the-air broadcasters on something called retransmission consent "Must carry."

Retransmission consent is the issue that says a television broadcaster has created a product—that is, local news—and they should have the right to negotiate with the cable system to retransmit that signal and should receive some remuneration, either financial remuneration or a special channel position or something of this kind.

"Must carry" is an idea that says if one owns a television station, the cable system must carry the signal. The Federal courts have twice ruled that "Must carry" is unconstitutional, so "Must carry" is going to be kicked out at some point, anyway.

Retransmission consent is an idea that really does need to be debated as a stand-alone issue, and I think, quite frankly, that the broadcasters have quite a bit of merit on their side. However, we do not need to reregulate the entire cable industry again to get the retransmission consent.

The facts are that since we deregulated cable in the early 1980's, the average cost per cable channel has remained constant, at about 50 cents a channel. However, the average cable system, instead of having 10 or 12 or 13 cable channels, now has 30 or 40 or 50 or 60. There has been an explosion is cable programming: TNT, CNN, the Discovery Channel, the Weather Channel, to name just a few examples. However, the average cost per channel has not gone up. It is still about 50 cents a channel.

The average cable bill today, if we do not take premium channels, such as HBO or Cinemax, is a little under $20 a month.

Mr. Speaker, the bill before us today, it is estimated, would raise rates somewhere from $2 a month to as much as $6 a month to the average cable subscriber. There is a very good article about this in yesterday's Washington Times, and I would encourage the Members of this body to read that article.

Another point: If we vote for this bill, in my opinion we are going to be in the same situation that we were 2 or 3 years ago when we had the great hue and cry to protect our senior citizens with catastrophic health care insurance. The Members of the body that were in the Chamber at that time remember how that was pitched as a pro-consumer senior citizens issue. We just had to do it. So a majority of the House voted for it. Within a year the senior citizens were raising holy cain. We came back and we repealed it.

These are the letters and cablegrams that I received in my office the last day and a half from people saying, "Do not vote to reregulate cable. Do not vote to raise my cable rates." This is just 1½ days' sample.

I would encourage every Member of this body, before we vote on this bill today, to read their mail, to study the issue, and to vote "no."

□ 0900

Mr. DERRICK. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Speaker, I rise in support of the rule and in support of the bill.

Mr. Speaker, I would like to engage in a brief colloquy with the manager of this bill, the gentleman from Massachusetts, Mr. MARKEY.

It is my understanding that under this bill, local television stations may elect to have the right to grant retransmission consent of their signal to local cable operators or the right to signal carriage "Must carry," but not both. Is this true?

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

Mr. VOLKMER. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Speaker, the gentleman from Missouri has an absolutely correct understanding of the legislation's intent.

Mr. SOLOMON. Mr. Speaker, I yield whatever time he might consume to the gentleman from New York [Mr. LENT], who is the senior ranking member of the Committee on Energy and Commerce.

Mr. LENT. Mr. Speaker, let me just say that I want to second the remarks of the previous speaker, the gentleman from Texas, when he said that this is going to drive up the costs of cable rates.

I am just going to take a minute to quote from a number of America's great newspapers on what they have to say about this particular conference report.

The Wall Street Journal today says:

> The cost of two tickets to a Broadway show is more than $100. The $5 movie ticket is a thing of the past in most cities. But is anyone calling for Federal price controls on Broadway or the movies? There just isn't anyone.

And we do not regulate the price of baseball tickets, and here we are going to be regulating now the price of what people pay for MTV, for ESPN, for Showtime and for HBO.

The Chicago Tribune looks at this legislation and says:

> Congress is wielding such a heavy hand that instead of reducing rates, it could end up costing cable subscribers.

The Cincinnati Post:

Public discontent with cable prices hardly justifies the quasi-nationalization of a whole industry.

The St. Paul Pioneer Press:

* * * this bill still includes provisions that are anything but consumer protection. They are, in fact, requirements that consumers subsidize cable television's competitors.

The Atlanta Journal:

The cable reregulation bill has become a consumer's nightmare.

The Boston Globe:

With cable companies likely to pass through any charges, consumers would be the ultimate victims of the Senate plan.

The New York Times:

The threat is that costly regulations will force local authorities to grant large rate hikes, or force cable companies to cut service and put off investment in new service.

Colleagues in the House, we have had many experiences with regulation and deregulation and reregulation. We all remember the ICC was one of the biggest organizations in the Government. We finally deregulated the railroad industry, and we shrunk down the cost of maintaining the Interstate Commerce Commission, and the railroad industry took off and is a very successful industry today.

We had rate regulations on natural gas. We finally got rid of them, and the price of natural gas has come down.

Here we are doing exactly the kind of thing that Boris Yeltsin is eliminating in the Soviet Union: intense over-regulation of an industry. And we are going in exactly the opposite direction, and we are reregulating an industry that has been doing very well. And I think it is the wrong way to go.

The FCC tells us they do not want this responsibility. We are going to have to triple the budget of the FCC in order to give them the manpower in order to regulate every single cable station in America.

I think it is the wrong way to go. I know it is election time. I know we are all out there looking and hungry for votes. But I think the voters are in an ugly mood. There is no question about it. But this is not the way to try to get votes, because I think the voters are smart enough to recognize that reregulating this entire industry is going to raise, not lower, their cable rates.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Speaker, I want to thank my friend from South Carolina for yielding me the time. I rise in support of the rule and I rise in support of the bill. I think the conferees, with one exception, did an excellent job. That exception is the retransmission consent, which I will speak about momentarily. But otherwise, the bill is a good, solid, procosumer bill and ought to pass.

Among the reasons I support the bill, and announced my support of the bill earlier in debate here on the floor a few months ago, and also back home in Louisville and Jefferson County before the cable commission, is because this bill reintroduces local government into the ratemaking business. Since 1984, when the cable industry was deregulated, local government has been sort of, to use that term, a potted palm alongside of the table. It does not really do anything, and it cannot.

This bill gives them power to oversee the ratemaking function and to protect cable consumers.

This bill spurs competition. There is no more exclusive franchise. No longer can a local authority grant a cable operator exclusive coverage of the area.

Under the Tauzin amendment there is access to cable-originated programming, on an equal basis, given to cable's competitors. This does also open up the possibility down the line of allowing telephone companies into the cable business so that there would be further competition which generally yields better service and lower prices to the consumer.

Consumer service and consumer protection for cable subscriber are provided for in this bill. The FCC establishes these standards. Local government can make these standards tougher, but at least our people will from now on have their phone calls answered and have their billing procedures explained to them by cable companies.

The negative in the bill is retransmission consent. It could possibly be that this will lead to additional costs to the consumers because the local broadcasters could, in fact, demand payment for the cable company to carry that signal. I do not think this is a wise move. I think we will have to revisit this in the years ahead.

But on the whole, this is an excellent piece of work. I support it, and I hope this House will.

The conference report before us today is very similar to H.R. 4850, the cable reregulation bill which passed the House—with my full support—on July 23 except that it includes the Senate's retransmission consent provision language about which I have serious reservations.

The conference report allows broadcast stations to choose either that their signals be carried by the cable system under the must-carry provision, or to negotiate with the cable system over the terms and conditions under which the station's signal will be retransmitted.

In the end, retransmission negotiations between broadcast stations and cable franchise may mean the cable subscriber will pay higher fees for the signals. This goes against the spirit of the rest of the bill, which is to promote competition among and between cable, broadcasters and noncable carriers so that subscriber and viewer prices will be reduced even as quality and range of programming improves. Accordingly, Congress may have to revisit the retransmission consent provision at a later date.

But, for now, Mr. Speaker, this conference report is worthy of passage by this Congress and worthy of the President's signature into law. I hope the President does not veto this bill. But, if he does, we need to pass this reasonable and responsible consumer legislation into law over his veto.

Lastly, I wish to include in the RECORD a statement I made recently before the Lousiville/Jefferson County Cable Television Commission which I hope our colleagues find of interest.

STATEMENT OF CONGRESSMAN RON MAZZOLI BEFORE THE LOUISVILLE-JEFFERSON COUNTY CABLE TV COMMISSION

Mr. Chairman and Members of the Commission: This is the third time I have appeared before your distinguished Commission—in person or by representative—to discuss cable legislation pending in Congress and cable activities here at home. I thank you, Mr. Chairman, for according me these opportunities.

Since my last appearance much has happened at the federal level affecting cable television. But, before I discuss these activities, let me say a few words about the Louisville/Jefferson County Cable TV Commission.

Since the cable industry was deregulated by Congress in 1984, prices have soared nationally and in the Louisville and Jefferson County area. The Cable Deregulation Act was aimed at relieving the cable television industry—a fledgling industry at the time—of the conflicting, confusing, hodge-podge, crazy-quilt pattern of local government control of cable franchises.

In its place was to be a more harmonized monitoring by the Federal Communication Commission (FCC) of local cable franchises both for rates charged, programming offered and service provided to the customers coupled with vigorous enforcement of federal antitrust laws to protect cable's subscribers and the local franchising authority from anti-competitive and monopolistic market and pricing practices by the cable operators.

But, that has failed to work. The Justice Department and the FCC allowed the 1980's to be a time of frenzied, highly-leveraged (debt laden) takeovers and buyouts and mergers of cable systems. Many industry observers argue that today's cable rate increases result not from increased programming costs, but from heavy costs of overhead and debt-service.

As we know, the Louisville/Jefferson County Cable TV Commission was created by Ordinance in 1980 and, until the federal law became effective in 1985, the Commission awarded franchises and ruled upon proposed cable rate increases. The remaining powers of the Commission—now composed of both elected officials and citizens—were ably outlined by Chairman Magre in a letter to the editor which appeared in the Sunday, August 16, Courier-Journal.

Despite the fact that local Boards of Aldermen and Fiscal Courts and City Councils can no longer regulate cable system rates structures, the Commission—to its great credit—is doing a good job in representing cable subscribers and all the residents of Louisville and Jefferson County.

For example, I commend and applaud the Commission for initiating this year a survey to ascertain customer attitudes concerning Storer's service and programming, and Storer's handling of customer telephone calls.

The findings, which this Commission well knows, were:

More than half of the respondents "strongly agree" that cable television should be reregulated;

Approximately 70% of the respondents who canceled service said they had done so because of increased costs;

While approximately 80% of the respondents were satisfied with Storer's service, more than half of these respondents were only "somewhat" satisfied

It is precisely these expressed concerns—cost of cable signals and customers service—which drive the several cable reregulation proposals now before House and Senate.

A tide of consumer dissatisfaction with cable has washed across Capitol Hill in the last few years. Each year the tide rises higher and the dissatisfactions become more profound.

In both the current and the last two Congresses cable legislation has been introduced, debated and acted upon by one or both Chambers. No final action, however, has been taken so far, though such action is possible this year despite the President's expressed opposition to cable legislation.

In January, the Senate overwhelmingly passed its cable bill, S. 12. By a resounding vote of 340 to 73—and with my strong support—the House passed its cable bill, H.R. 4850. The House bill is similar in many respects to S. 12 and incorporates elements of both H.R. 1303 and H.R. 3560, other cable bills I have co-sponsored this Congress. House and Senate Conferees have been appointed and they soon will start work readying a final cable bill which can then go to the President for his action. (Incidentally, were the President to veto the bill, I believe the veto would be overridden, and I would work to that end.)

H.R. 4850 is a good bill which briefly, promotes the following goals:

Placing Local Franchise Authorities Back Into The Rate-Making Process.—The Federal Communications Commission would be permitted to regulate cable rates where there is no "effective competition" defined as situations in which: (1) fewer than 30% of local households subscribe to cable service; (2) at least two multichannel video programming distributors offer services to 50% of local households and whose services are subscribed to by at least 15% of local households; or (3) a multichannel video operator, owned by the franchise authority, offers services to 50% of local households. The local franchise authority would not set rates but would oversee the rates set by the cable operator and could appeal to the FCC any rate increases or charges felt to be unreasonable. The FCC would make the final decisions of unreasonableness.

Affordable Basic Cable Service.—Under H.R. 4850 the FCC would establish a formula for determining the maximum rates cable operators could charge for a basic tier of cable service. The basic tier of service would include—at a minimum—all over-the-air broadcast stations and all public access channels. Local governments would enforce the cable operators' implementation of these FCC standards.

Enhanced Consumer Protection.—FCC would establish uniform customer service standards and set maximum permissible rates the cable system could charge for installation, additional hook-ups, converter boxes and remote controls. Local governments would be permitted to enact additional and enhanced customer service and consumer protection requirements which the cable system would then have to meet.

Enhanced Local Competition.—Local franchise authority would be prohibited from granting exclusive cable franchises and local governments would be permitted to establish and operate competing cable systems. H.R. 4850 also includes language added during debate on the House floor—language I supported—requiring cable systems to offer cable-originated programming, at affordable prices, to competing systems such as direct broadcast satellite (disk antenna) and microwave. I also feel allowing telephone systems to add television signals to their wiring would add to the competition and would likely reduce subscriber costs and increase program offerings.

Continued Carriage by Cable Systems Of Local Signals.—Cable franchises would be required to reserve up to one third of their channel capacity to carry local commercial broadcast channels as well as noncommercial educational television signals. This is the "must carry" rule.

H.R. 4850 is a good bill but it falls short in one respect, however. It does not provide local cable authorities with as much authority over cable television operations within their jurisdictions as I feel they should possess.

I continue to favor the approach taken in H.R. 3560—which I have co-sponsored—which empowers local governments to regulate cable rates but allows cable operators to appeal what they feel to be unreasonable local rate regulations to the FCC. The bill now in Conference places the burden of challenging unreasonable rates on the local authority.

I anticipate a successful House-Senate cable Conference this autumn. I should also add this caveat, however. A successful Conference may not be possible unless Congress can beat back the hoards of cable, broadcast, entertainment and sports lobbies who, for one reason or another, do not want a cable bill or want to twist it to their special liking.

This argues for the passage of campaign finance reform legislation to reduce the stranglehold the special interests have on Congress by reducing the money they can contribute to political campaigns. This would serve to return government and the political process to the people where they belong.

I again thank you, Mr. Chairman and Members of the Commission for inviting me to testify and look forward to working with you in the future.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, I rise in support of the legislation. I, too, wish to have a colloquy with the gentleman from Massachusetts [Mr. MARKEY].

Section 624A(b)(1) of S. 12 requires that the FCC, in consultation with representatives of the cable industry and the consumer electronics industry, report to Congress and issue regulations to assure compatibility between televisions and video cassette recorders and cable systems. A major purpose is to ensure that consumers reap the benefits of new and innovative technologies. Does the committee intend for the Commission also to consult with representatives of franchising authorities, who are on the frontline in ensuring that cable subscribers receive quality consumer friendly service, in preparing the report and drafting the regulations?

Mr. MARKEY. Mr. Speaker, if the gentleman will yield. Yes. In addition to such consultations, we expect the Commission to institute rulemaking and inquiry proceedings that give all interested parties the opportunity to express their views on these compatibility issues.

Mr. SCHUMER. Section 617(e) of S. 12 governs the time period that a franchising authority may consider a cable operator's transfer request, stating that the authority has 120 days to act on such a request that, "contains or is accompanied by such information as is required in accordance with Commission regulations and by the franchising authority." By this, is it the committee's intent that the time period not begin to toll until the transfer request is accompanied by information required by both the FCC and the franchising authority?

Mr. MARKEY. If the gentleman will yield. Yes. In addition, it is the committee's intention that this 120-day clock not start ticking until a franchising authority has received all requested information, regardless of whether this information is required by the FCC regulations. Otherwise, it would be possible for the 120-day period to expire and the transfer deemed granted under this section before a franchising authority even had received the information it requested from the operator regarding the transfer.

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

□ 0910

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Alabama [Mr. CALLAHAN].

Mr. CALLAHAN. Mr. Speaker, I rise in support of the conference report. This is not a perfect bill, but it is a good bill for consumers and it merits our support.

While we were home over the August recess, our cable operators launched a full scale assault against the cable bill. Ironically, they enlisted in this fight the very same people who have been clamoring for reregulation for years—cable subscribers.

In recent monthly bills across the country, the cable companies advised customers that Congress was poised to pass legislation that would raise cable rates. This charge from the champion of rate increases is another irony. It is a red herring and it just is not true.

The cable companies do not want to be regulated and that is understandable. Customers who are tired of unwarranted and uncontrollable increases want us to provide some regulation. The conference report addresses consumer interests in two ways. First, it controls unreasonable increases in basic cable rates. Second, it allows for competition to the cable industry.

These are not the features the cable industry is citing to customers. For the most part, cable companies are pointing to retransmission consent as a sure-fire price increase. Even if retransmission consent were taken in a

separate context and not included with the regulatory provisions, it is questionable that rates would rise. But it is in this package and any increases will be fully offset by rated regulations.

I would also urge our constituents and my colleagues to remember what local broadcast stations provide. They give us local news and related community services that are very expensive to produce. In a society that receives most of its news from television, it is frightening to think of the day when our access to the news is limited to the network anchors' interpretation of events.

Mr. Speaker, I urge my colleagues to support the conference report.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2½ minutes to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Speaker, there is a lot of confusion unfortunately created by the cable monopoly on this issue. Let me help clear it up just a bit today.

If you do not know what upper tears and lower tears are, let me explain to you. Upper tears are the tears we shed over those high premium channel rates and those pay-per-viewer rates that we increasingly have to pay for programs that we used to get for free. And lower tears are the tears we shed over basic cable rates that have gone up three times the rate of inflation, because monopoly cable has been unrestrained for 8 years.

The bill we have before us today is a bill to give consumers a break. Make no mistake about it. It is a bill to save in communities where there is no competition. We are going to restrain the appetite for monopoly cable to gouge us the way they have been doing for 8 years. In the communities where competition does come, the regulations will go away.

The second part of the bill says that there will be competition in America, that cable can no longer refuse to sell its programs to the satellite distributors, to microwave distributors, who are struggling to bring competition to the marketplace.

Sixty-five communities in America have competition out of 11,000. Guess what our General Accounting Office found in a study when it looked at those 65 communities, and do not let the monopoly cable companies lie to you, in those 65 communities, cable rates fell 35 percent.

You want cable rates to go down? This is your bill. You want satellite television in rural areas? This is your bill. You want competition over regulation? This is your bill. This is the kind of bill America has been waiting for. We ought to pass it.

Let me assure you that those who take this floor in opposition to this conference report want to vote for the monopoly cable position. They will use the retransmission-consent provision as an excuse. It does not amount to a hill of beans. Retransmission consent only says that your local broadcaster, if he wants to, can tell the cable company, "You have been carrying my program. You have been charging people for it. I want some of those revenues."

Now, which of your local broadcasters is in a position that he can tell the cable company, "I do not want to be carried on your cable; I insist that you pay me to carry me"? Which of them has that kind of clout? Which of them could afford not to be on cable? The answer is very few.

This retransmission-consent thing is not a big deal. It is certainly not the kind of big deal anybody can hide behind, but there will be people coming to this floor hiding behind retransmission consent, because they want to vote for the monopoly cable position.

If you want to vote for consumers, vote for this bill. Vote for the resolution to bring it up. Give consumers a break. Give them some restraint on cable rates. Give them some competition. Give American consumers what they have been begging for.

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

Mr. Speaker, before yielding to the next speaker, let me just point to the title of this bill which reads, "The Television Consumer Protection and Competition Act." I just heard some talk about competition.

Yet when I spent half the night trying to read the conference report, I was looking for the Senate provision that allows telephone companies in municipalities of less than 10,000 people, and I represent over 100 of them, to compete with the cable companies. That provision is missing. I would hope somebody on the majority side of the aisle would explain why that is not in this conference report.

That provision would truly promote competition.

Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. MOORHEAD], the distinguished dean of the California delegation and the ranking subcommittee member.

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

Mr. Speaker, I rise in opposition to the rule.

I regret to have to oppose the rule being requested by my chairman, but I do so for two reasons. One is procedural in that the proposed rule would waive all points of order.

Second, this conference report has a serious copyright repercussion, and the Committee on the Judiciary has been denied the opportunity to have any input into it.

If the committee system means anything at all, this requested rule should not pass.

This proposed rule is defective in that we need additional time to determine the actual costs to the taxpayer and to the consumer. I believe that is pretty basic.

The conference bill reregulates the cable industry. It does so at a substantial cost to the Federal Government and the State government.

But I support the bill as it originally came out of the House of Representatives. I believe that we need reregulation of cable. I think we have to have controls on the prices that cable charges.

But during the conference committees, this bill was hijacked by the broadcast industry. They are spending millions and millions of dollars on radio and television, each and every hour you turn the radio on at the present time, because they know the billions of dollars they will get out of this bill in its present form if it is passed.

We have heard a lot of rhetoric about retransmission consent meaning nothing. Why then are the broadcast industries spending so much money in fighting for it? Of course it means billions of dollars to them. It is important to them that they get it.

I do not care really what we do to reregulate cable. They deserve whatever we do. But this cost is going to the general public, the people that buy cable programming.

As we reregulate cable, we give cable the right in the reregulation of the price they charge to recoup whatever cost their costs are from the public. Their prices will be raised as they have to pay more money for their programming, and if, as has been said by a previous speaker, there will be no cost to them, why in the heck are they fighting so much for it? Of course there is cost, and it is going to cost the public $1 to $3 billion.

I want this bill, but I want it without the retransmission consent.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the distinguished gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Speaker, first, let me thank my friend and distinguished colleague for yielding me this time.

Mr. Speaker, I rise in opposition to the rule and in opposition to the conference report.

I want to congratulate the gentleman from Massachusetts. I think overall he did a very good job, and I supported the bill when it left the House.

□ 0920

But it came back from conference with provisions that are just totally unacceptable. My colleague, the gentleman from California, ranking Republican on my committee, says that the broadcasters are spending billions of dollars on this bill. So are the cable people; I mean, they have ads on every hour, because there is billions and billions of dollars at stake.

Let me tell you, this will go down, I think, in history as the broadcasters' great train robbery because it was hijacked in conference. What is at stake is anywhere from $1 to $8 billion that the consumer is going to pick up.

My colleagues, $1 to $8 billion.

That is why you cannot turn on the tube or listen to the radio and not hear some advertising about this bill.

I have no sympathy for the cable industry. They have monopolized, they have conspired basically to take advantage of their unique position as a local distribution company, and they need to be regulated. That is why I supported this bill.

Retransmission consent, however—and, unfortunately, we are not going to have time to explain it in any detail because we were not given the time, just 1 hour of debate—retransmission consent gives the broadcasters an open-ended right to demand basically what they believe the market will bear, what they want, with somebody else's product. You do not turn on the television to look at a signal, you turn on the television to look at programming.

That is the copyright owners that produce the programming that we all watch. They have been left out of this equation. Frankly, not only are we going to suffer domestically but internationally; we are going to suffer because if we do not put any value on that creativity, that creativity that we get copyright for, what do you think the international community is going to do?

You know, the broadcasters want open competition, but this bill does not do that. What it does, it provides basically deregulation for them, for the broadcasters, but they want to keep the cable systems under regulation, under compulsory license, where they are paid—copyright owners are paid—perhaps a fraction of what the value is because we set rates through a mechanism to reward the copyright owners.

So, what we have, in essence, is deregulation for the broadcasters, but regulation for the cable systems. We are going to regret the day that we voted to pass this out of this House, believe me.

I urge my colleagues to vote against the rule, send it back, and vote against the conference report.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. DREIER], a very distinguished member of the Committee on Rules.

Mr. DREIER of California. I thank my friend for yielding, and I would like to join in congratulating all the hard-working members of the Committee on Energy and Commerce who clearly do want to bring about a solution to what is obviously a problem.

Mr. Speaker, it seems to me incredibly ironic that as we observed over the past 3 or 4 years the crumbling of the Berlin Wall, the demise of communism, the emergence of democracy and freedom, that we are here, following that, reregulating an industry which clearly played an integral role in that expanded communication of freedom throughout the world. We have seen a wider range of choices provided to the American consumer. It is obvious that we all recognize that there is a problem.

Tragically, this legislation moves in the opposite direction from where we are trying to go.

There are some of us who believe that the best way to deal with the problem that exists, that of increased costs, is to encourage competition. Tragically, the retransmission fee, the one thing that is actually mandated in this bill, increases by billions of dollars the fee that will be charged to that cable subscriber.

We see the opportunity for people to enjoy 40, 50, 60 channels, and we also see the opportunity for our broadcasters to advertise for thousands of dollars a minute on commercial over-the-air television.

So, why should this fee be imposed, not on the cable industry, but on the cable subscriber? It seems to me that we should oppose this rule and we should oppose this legislation and we should come back with a bill which can, in fact, bring about a greater degree of competition for the American consumer.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Ohio [Mr. ECKART].

Mr. ECKART. Mr. Speaker, let me briefly thank my colleagues for this opportunity. There has been a lot of misinformation here. I feel it is a little bit like a candidates night, for those of you who can identify with and understand that experience. You have heard a lot of things that you just do not recognize.

My colleague from New York, Mr. LENT, quoted three newspapers' positions on the cable bill. What he did not tell you was that those three newspapers are owned by companies that own cable television systems.

Are we surprised they editorialized against it? Of course not.

My colleague from New York, Mr. LENT, quoted the New York Times. He did not tell you, though, that the New York Times embraced the bill and urged the Congress to support it.

The fact of the matter is that there is a disturbing trend here of disinformation and misinformation about this bill and what it will cost.

I noted with a great deal of interest the comments by my other colleague from New York, Mr. SOLOMON, claiming that there was no debate, no vote on retransmission consent. And the Committee on the Judiciary's objections that their concerns were not made part of the bill.

The fact of the matter is that retransmission consent was solely referred to the Committee on Energy and Commerce; the fact of the matter is that the Committee on the Judiciary asked the Rules Committee that it not be discussed; and the Committee on Rules did not make retransmission consent in order, Mr. SOLOMON. So do not come out here and complain that we did not get a chance to vote, when the gentleman from New York would not give us a chance to vote.

I begged for an opportunity to present this case. I demanded an opportunity to debate it and was willing to measure my position against the Committee on the Judiciary's position, and was denied that opportunity.

Mr. SOLOMON. Mr. Speaker, will the gentleman from Ohio yield to me briefly, and I will yield him some extra time, since my name was mentioned?

Mr. ECKART. I would be glad to yield to the gentleman from New York.

Mr. SOLOMON. I thank the gentleman for yielding.

I just want the gentleman to know that I introduced the motion for an open rule, which would have allowed the gentleman from Ohio to do exactly what he wants. So, please do not point fingers over here. I was for the gentleman from Ohio. It was the other side that denied him his rights, his own party's members on the Rules Committee.

Mr. ECKART. Well, the fact of the matter is that the Committee on Rules did not make in order a position that the Committee on Rules now asserts is the reason why you should defeat this rule on this bill. That is just inconsequential when it comes to me.

Now, as to the debate on the substance, my colleague, the gentleman from Texas [Mr. FIELDS], and I were prepared to stand in contrast to copyright reform; in fact, I think it may be needed and necessary. But we were not given the opportunity. Unfortunately, the consumers will be protected—Mr. Speaker, do I have time remaining?

The SPEAKER pro tempore. The time of the gentleman from Ohio [Mr. ECKART] has expired.

Mr. SOLOMON. Mr. Speaker, if I might, I would yield 1 minute to the gentleman so that he may yield to the gentleman from Texas [Mr. FIELDS].

Mr. ECKART. I thank the gentleman for yielding, and I yield to my friend, the gentleman from Texas [Mr. FIELDS].

Mr. FIELDS. First of all I want to compliment the gentleman in the well on the work that he has done on this issue. But going back to the history of this issue, the issue really goes back to 1927, when Congress gave broadcasters control over their signal, a proprietary right. In 1959 the FEC made an exception for a fledging cable industry. Today we have a $2 to $3 billion cable monopoly.

So what I wanted to ask the gentleman: What we are talking about in

retransmission consent is basically a restoration of Congress' original intent. That was one of the motivating reasons that got me involved in this issue, me working with the gentleman, for the concept of retransmission consent.

Mr. ECKART. The local broadcaster is, the gentleman correctly asserts, the neighborhood, the front porch. It is the local broadcaster whose signal tells the folks about whether schools will be open tomorrow, or the flood or the hurricane. It is the local broadcaster who really is the competition in the marketplace. It is a signal which the cable companies say they stole fair and square. They are paying for it as a consumer now. All we are saying is that the local broadcaster has the right to protect their property as any other property right in America should be protected.

□ 0930

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Alabama [Mr. HARRIS].

Mr. HARRIS. Mr. Speaker and colleagues, I am disgusted with the latest round of cable propaganda on television.

I guess the most misleading part of the ads that we have seen is the deep concern the cable industry is displaying for consumers, the very ones they have been gouging for the last 8 years, as we have seen the rates increased 3 times more than the rate of inflation.

If they are so concerned about rates, where have they been?

Do not be fooled. They are not interested in protecting the cable television watching public from higher rates. They are afraid of regulations which will put an end to their runaway rate hikes.

Heaven help them when a bill like S. 12 actually promotes competition, ending cable's monopoly stranglehold.

This cable bill is exactly as it is named. It protects consumers and it encourages competition.

If your constituents call you, misled by these ads, you tell them to consider the source of their information. It will be printed on their cable bills right next to the latest rate increase.

As evidence of what I am speaking, in Birmingham, AL, in an article in the Post-Herald on Wednesday of this week, it says that on the outside of your Birmingham cable bill, it tells them, their constituents, or consumers, to fight national legislation or face increases in your cable charge.

On the inside, however, they are telling the consumer that they are raising the price of their service.

I ask you to support the rule and support the bill.

Mr. Speaker, I include the article from the Birmingham Post-Herald, as follows:

[From the Birmingham Post-Herald, Wednesday, Sept. 16, 1992]

CONGRESS READIES FOR CABLE TV VOTE

(By Nancy Bereckis)

On the outside of your Birmingham Cable bill, the company tells you to fight national legislation or face increases in your cable charge.

On the inside, however, Birmingham Cable tells you it is raising the price of your service.

It would seem the cable company is failing to practice what it preaches.

But Birmingham Cable Communications president Michael D'Ambra said yesterday there is nothing contradictory about lobbying against raising rates while raising them.

"These are two separate and distinct issues. Our price increase is justifiable because we need the money to pay for a new station (Video Hits-1) and other operational costs that have gone up," he said of the hike in the charge of basic service from $18.95 to $20.35 per month.

"If the bill in Congress passes, the price of cable will increase three or four dollars a month and it won't be justifiable."

That bill, which Congress has scheduled a final vote on tomorrow, would reregulate cable television, giving cities like Birmingham more power in deciding how much cable companies can charge customers.

And depending on whom you talk to, it will either result in much higher rates or much lower ones.

Industry experts, including D'Ambra, say a provision in the bill requiring cable companies to pay fees to carry commercial TV stations that are now carried for free would result in higher bills for customers.

But the other side, which includes the National Association of Broadcasters, and Birmingham City Councilman Roosevelt Bell, say the passage of the federal bill will result in rates dropping by up to 30 percent.

"When the cable industry was regulated before 1986, we kept rates down," Bell said. "But now our hands are tied. We raise hell every time they raise rates, but that's about all we can do."

When the cable industry was regulated, the city council would vote on whether Birmingham Cable could raise rates.

Now the city has a non-exclusive franchise agreement with Birmingham Cable. The agreement requires Birmingham Cable to pay 5 percent of its profits for use of the city's right-of-ways, such as streets and alleys. It gives no power to the city to regulate rates.

If another cable company wanted to compete with Birmingham Cable, theoretically it could. But another company would have an uphill fight for two reasons, Bell said.

First, Birmingham Cable already has recouped its initial loss for installing the actual wires. Second, Birmingham Cable has an advantage because it is owned by the multimedia giant Time Warner Inc.

For fiscal year 1991, Time Warner reported that its cable companies brought in $872 million, an increase of $103 million from the year before.

D'Ambra said Birmingham Cable does not add substantially to Time Warner's cable profits, although he refused to disclose how much money his company has made.

"I can say that we are very price sensitive because we realize that we need to keep prices low or our customers won't be able to afford cable," he said.

But Bell said Birmingham Cable's price hikes are evident that the company is abusing its growing and largely unregulated monopoly on the city's cable television market.

"We have a cable commission but it has no power," he said. "Just look at how much rates have increased since deregulation (in 1986) and you'll see."

When Birmingham Cable began operating in the city in 1976, the charge for basic services was $7. In 1985, the year before then-President Ronald Reagan successfully pushed through the bill to deregulate the cable industry. Birmingham Cable charged $10 for basic service.

In the six years since, Birmingham Cable has raised its rates almost yearly. D'Ambra said the company did not raise rates one year. The last rate increase was in October 1991.

The new rate hike, which goes into effect with the October billing, will go to pay not only for the new music video channel but will also pay for an increase in Alabama Power's charge to Birmingham Cable for use of its poles.

"I don't think there is a more cost-efficient form of entertainment than cable television," D'Ambra said.

But despite his claim, the city of Birmingham's law department confirmed it is looking at ways to bring another cable franchise into the city to compete with Birmingham Cable.

CABLE COSTS

The price of cable varies greatly depending on where you live. Here is a sampling of monthly cable costs in the Birmingham area. (The prices listed are excluding specials. The cost of basic service is the price for all cable stations except movie channels.)

BIRMINGHAM CABLE COMMUNICATIONS

Serves—Birmingham and Irondale.
Basic service—$20.35 (as of October billing)
Installation—$25
One movie channel such as Home Box Office—$10.95
Extra fees—remote control, $4; additional outlet, $3.75

BESSEMER CABLE COMMUNICATIONS

Serves—Bessemer and some unincorporated Jefferson County
Basic service—$18.49 inside city limits; $18.85 outside city
Installation—$25
One movie channel such as HBO—$10.95
Extra fees—converter box, $15; remote control, $4

CENCOM CABLE TELEVISION

Serves—Fultondale, Gardendale, Pelham, Alabaster, Helena, Cahaba Valley, Forestdale, Adamsville, Graysville, Trussville, parts of Jefferson County
Basic service—$22.95
Installation—$50
One movie channel such as HBO—with basic cable, $32.90; installation drops to $30 when ordering with one movie channel
Extra fees—None

MOUNTAIN BROOK CABLEVISION INC.

Serves—Mountain Brook
Basic service—$25.45
Installation—$35, apartment; $45, house
One movie channel such as HBO—$12.95
Extra fees—Remote control, $4; remote control without volume control, $2; other outlets, $7.50

SHELBY CABLE INC.

Serves—North Shelby County along the U.S. 280 corridor from Interstate 459, including Inverness, Meadow Brook and Brook Highland subdivision
Basic service—$24.90
Installation—$35, apartment; $45, house; $65 for new house that has never had cable

One movie channel such as HBO—$12.95
Extra fees—Remote control, $4; remote control without volume control, $2.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Speaker and my colleagues, Abraham Lincoln used to say that calling a tail a leg does not make it one.

We keep hearing about cable being a monopoly and the need to regulate monopolies, but no one in support of the conference report deals with the fact that a proconsumer bill that passed this House and the conference committee all of a sudden put in a provision totally unregulated, with no price protection for the consumers, that totally defied the whole logic of copyrights law, that provides the broadcasters with a major loophole, a proconsumer bill for strategic advantage only, was turned into an anticonsumer bill to help one particular industry at the expense of another industry.

It is a deal, pure and simple. While there is nothing untoward about this kind of a deal, there is something about the sanctimonious nature of the proconsumer arguments from people who came back from a conference committee having accepted a provision that never should have been in this legislation in the first place, which weakens its proconsumer protection, which provides an unregulated potential price increase to the consumers of cable televisions, and which essentially, as I mentioned earlier, makes an arrangement with one particular industry at the expense of another particular industry.

The key impetus for this bill was a widely accepted notion that it was time to remove some of the exemptions and protections earlier enacted by Congress to prop up a fledgling cable industry; but retransmission consent by allowing broadcasters to withhold their signals from cable, but not permitting copyright owners to do likewise with their programming, in essence repeals the cable compulsory license for broadcasters, but not for program owners.

It is inequitable. It is both unfair to an industry and unfair to the consumers, and I urge the conference report on this bill be defeated.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. RITTER], a distinguished member of the committee.

Mr. RITTER. Mr. Speaker, I think we have heard a good deal about the way the rule does not allow the House to vote on a very important addition to this conference report, one that will cost consumers considerably. The rule essentially muzzles the House on this issue of retransmission consent, which adds to the cost of the bill. There are no two ways about it.

The gentleman from Massachusetts [Mr. MARKEY] and the gentleman from Michigan [Mr. DINGELL] both have stated that the costs to consumers from this bill would rise.

The economy is suffering from an overdose of taxation, regulation, and litigation, and we have a highly regulatory bill here. We have a bill that goes into micromanaging one of America's more successful stories of the last decade.

You know, people talk about increases in the costs of cable and they talk about multiples of the inflation rate, but the reality is that on a per-channel basis the costs have essentially been level with inflation and probably somewhat less.

The reality is that we have C–SPAN. We have CNN, and we have the Discovery Channel. We have Arts and Entertainment and we have so much added to our platter since 1984.

You know, in a sense, this bill is a punishment bill. This bill punished cable for being successful. We need more success stories like the cable industry in our economy.

From 1978 through 1990, jobs increased in this industry from 23,000 to 100,000.

We could have a much more limited approach. We could stimulate "Must carry." We could stimulate some more competition, and we could maybe do something positive, but this bill is negative to the American people.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 1½ minutes to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. First of all, Mr. Speaker, I want to thank my good friend, the gentleman from South Carolina [Mr. DERRICK], for having yielded me this time.

Second, I want to commend him and the Rules Committee for the way they have crafted this rule expeditiously to allow the House properly to consider the business before it.

Third, I want to urge my colleagues in the strongest way possible to vote for the rule.

You have heard a number of complaints about the copyright laws, and it is quite possible that the copyright laws are not working. Those are not within the jurisdiction of the Commerce Committee.

I would urge that my good friends from the Judiciary Committee put those matters before us at an appropriate time.

I would point out to my colleagues that Hollywood has not been hurt by this legislation. Indeed, had the Judiciary Committee accepted the three conferees they were offered, they would very successfully have achieved active participation in a conference. They could very well not only have achieved what they wanted, but could have achieved deadlock had they so desired.

I would point out to my colleagues something else that is very important, and that is that we should listen to the people, not to the special interests.

Look at the list of those who support the legislation and then look at the list of those who oppose it.

The American people are fed up with rapidly escalating and outrageous cable television bills, bills from an unregulated monopoly that has one purpose, to maximize its profits at the expense of the American consumer.

Look at the roster of those who support the bill, those in opposition to the views of Hollywood and the cable people.

The Consumer Federation of America, the AFL–CIO, the UAW, the American Association of Retired Persons, and the rural electric co-ops, the League of Cities, the attorneys general of the States, and of course, the satellite broadcasters who will achieve a measure of competition.

I urge my colleagues to vote for the rule and for the conference report.

Mr. SOLOMON. Mr. Speaker, let me just call your attention to a time back in December 1980. Do you know what we did in that lameduck session? We just about ruined America.

□ 0940

Do my colleagues remember when this House overwhelmingly passed a bill in the middle of the night, in a lameduck session, with no hearings? We raised the Federal deposit insurance guarantee from $40,000 per individual up to $100,000 per account. In effect, we said to multimillionaires across this country: "You can gamble on every deadbeat financial institution across this country because the Federal Government is going to guarantee every one of your deposits, not just your first $40,000." We are faced with a similar procedure here today. We are being compelled to vote on a very important concept with far-reaching implications, without any benefit of hearings or debate.

Mr. Speaker, I just want my colleagues to remember something. When 5 years go by, I want their constituents to call them every time cable rates go up, because they are going to go up. We have not dealt with that problem. Nobody knows what this bill is going to do.

And, Mr. Speaker, as soon as this debate time is over, I am going to ask unanimous consent that the gentleman from Texas [Mr. BROOKS] and the gentleman from New Jersey [Mr. HUGHES], be given 1 hour to enlighten this House on just how bad this bill really is and what it will do to the cable users of America.

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

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

Mr. Speaker, most of us think that it is better to keep the Federal Government out of as much regulation as we

can, but I think we all further understand that there are times that it is in the best interests of the consumer that we do regulate. We certainly learned that about the S&L situation during the 1980s.

As my colleagues know, when the cable business started out, and they were an infant industry, and they needed some help, and that help was not to regulate them at the time until they could gain a foothold; well, they have gained a foothold, and they are in 60 percent of the homes in this country today, and it is a monopoly, just like the telephone company was a monopoly and other things are a monopoly. And it is time for the Congress to do something for the consumer.

I do not criticize the cable people. They have done exactly what they were supposed to do, and they have been very successful at it. But, just from a personal stand, look at my rates in South Carolina and Washington, and they do go up without any sort of notice to me particularly or without any reason.

As my colleagues know, I think the bottom line on this is to look at who supports this legislation and who does not. The cable industry is against it. That is for sure. But the AARP, the largest organization to represent the elderly in this country, and the elderly people are the ones that look at so much of our cable TV, and the elderly people on fixed incomes are those that really have a hard time paying those cable bills, not only to mention most of the major consumer groups in this country, support this legislation.

Mr. Speaker, we hope that this is going to bring cable rates down, or at least not allow them not go up as fast as they have in the past, so I advocate our voting for the rule and for the passage of the bill.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

Mr. SOLOMON. Mr. Speaker, I was on my feet asking to be recognized before the gentleman from South Carolina [Mr. DERRICK] moved the previous question on the resolution. I think a little fairness is in order here.

The SPEAKER pro tempore (Mr. LUKEN). The gentleman from South Carolina has moved the previous question, which takes precedence.

The question is on the resolution.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 263, nays 134, not voting 35, as follows:

[Roll No. 397]

YEAS—263

Abercrombie	Hall (OH)	Parker
Ackerman	Hall (TX)	Pastor
Alexander	Hammerschmidt	Patterson
Anderson	Harris	Payne (NJ)
Andrews (ME)	Hatcher	Payne (VA)
Andrews (NJ)	Hayes (IL)	Pease
Andrews (TX)	Hefner	Pelosi
Annunzio	Henry	Penny
Applegate	Hoagland	Peterson (FL)
Aspin	Hochbrueckner	Peterson (MN)
Bacchus	Horn	Petri
Bateman	Hoyer	Pickett
Bennett	Hubbard	Poshard
Berman	Hutto	Price
Bevill	Inhofe	Pursell
Bilbray	Jefferson	Quillen
Blackwell	Jenkins	Rahall
Bonior	Johnson (SD)	Ramstad
Borski	Johnston	Rangel
Boucher	Jones	Ravenel
Brooks	Jontz	Ray
Browder	Kanjorski	Reed
Brown	Kaptur	Rinaldo
Bruce	Kasich	Roe
Bryant	Kennelly	Roemer
Bustamante	Kildee	Rogers
Byron	Kleczka	Rose
Callahan	Kolter	Rostenkowski
Campbell (CO)	Kopetski	Rowland
Cardin	Kostmayer	Roybal
Carper	LaFalce	Russo
Carr	Lancaster	Sabo
Chapman	Lantos	Sanders
Clay	LaRocco	Sangmeister
Clement	Laughlin	Sarpalius
Coleman (MO)	Lehman (CA)	Sawyer
Coleman (TX)	Lehman (FL)	Schumer
Collins (IL)	Levin (MI)	Serrano
Condit	Levine (CA)	Sharp
Cooper	Lewis (GA)	Shays
Costello	Lipinski	Sikorski
Cox (IL)	Lloyd	Sisisky
Coyne	Long	Skaggs
Cramer	Lowey (NY)	Skelton
Darden	Luken	Slattery
Davis	Machtley	Slaughter
de la Garza	Manton	Smith (FL)
DeFazio	Markey	Smith (IA)
DeLauro	Martinez	Spratt
Dellums	Matsui	Staggers
Derrick	Mavroules	Stallings
Dicks	Mazzoli	Stark
Dingell	McCloskey	Stenholm
Dixon	McCurdy	Stokes
Donnelly	McDermott	Studds
Dooley	McGrath	Sundquist
Dorgan (ND)	McMillan (NC)	Swett
Downey	McMillen (MD)	Swift
Durbin	McNulty	Synar
Dwyer	Mfume	Tallon
Dymally	Michel	Tanner
Eckart	Miller (CA)	Tauzin
Edwards (CA)	Miller (WA)	Taylor (MS)
Edwards (TX)	Mineta	Thomas (GA)
Emerson	Mink	Thornton
Erdreich	Moakley	Torres
Espy	Mollohan	Torricelli
Evans	Montgomery	Traficant
Ewing	Moody	Unsoeld
Fazio	Moran	Valentine
Feighan	Morrison	Vento
Fields	Mrazek	Visclosky
Flake	Murphy	Volkmer
Foglietta	Murtha	Walsh
Ford (MI)	Nagle	Washington
Ford (TN)	Natcher	Waxman
Frost	Neal (MA)	Wheat
Gaydos	Neal (NC)	Whitten
Gejdenson	Nowak	Williams
Gephardt	Oberstar	Wise
Geren	Obey	Wolf
Gibbons	Olin	Wolpe
Gilman	Olver	Wyden
Glickman	Ortiz	Wylie
Gonzalez	Orton	Yates
Grandy	Owens (NY)	Yatron
Guarini	Pallone	Young (FL)
Gunderson	Panetta	

NAYS—134

Allard	Archer	Baker
Allen	Armey	Ballenger
Barrett	Hansen	Paxon
Barton	Hastert	Porter
Bentley	Hefley	Regula
Bereuter	Herger	Rhodes
Bilirakis	Hobson	Richardson
Bliley	Holloway	Ridge
Boehlert	Hopkins	Riggs
Boehner	Horton	Ritter
Bunning	Houghton	Roberts
Burton	Hughes	Rohrabacher
Camp	Hunter	Ros-Lehtinen
Campbell (CA)	Hyde	Roth
Clinger	Jacobs	Roukema
Coble	James	Santorum
Combest	Johnson (CT)	Saxton
Coughlin	Johnson (TX)	Schaefer
Cox (CA)	Klug	Schiff
Crane	Kolbe	Schroeder
Cunningham	Kyl	Schulze
Dannemeyer	Lagomarsino	Sensenbrenner
DeLay	Leach	Shaw
Dickinson	Lent	Shuster
Doolittle	Lewis (CA)	Skeen
Dornan (CA)	Lewis (FL)	Smith (NJ)
Dreier	Lightfoot	Smith (OR)
Duncan	Livingston	Smith (TX)
Edwards (OK)	Lowery (CA)	Snowe
Fawell	Marlenee	Solomon
Fish	Martin	Spence
Frank (MA)	McCandless	Stearns
Franks (CT)	McCollum	Stump
Gallegly	McDade	Taylor (NC)
Gallo	McEwen	Thomas (CA)
Gekas	Meyers	Thomas (WY)
Gilchrest	Miller (OH)	Upton
Gillmor	Molinari	Vander Jagt
Gingrich	Moorhead	Vucanovich
Goodling	Myers	Walker
Goss	Nichols	Weldon
Gradison	Nussle	Wilson
Green	Oakar	Zeliff
Hamilton	Oxley	Zimmer
Hancock	Packard	

NOT VOTING—35

Anthony	Engel	Owens (UT)
Atkins	English	Perkins
AuCoin	Fascell	Pickle
Barnard	Gordon	Savage
Beilenson	Hayes (LA)	Scheuer
Boxer	Hertel	Solarz
Brewster	Huckaby	Towns
Broomfield	Ireland	Traxler
Chandler	Kennedy	Waters
Collins (MI)	McCrery	Weber
Conyers	McHugh	Young (AK)
Early	Morella	

□ 1007

Mr. GUNDERSON and Mrs. PATTERSON changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. EARLY. Mr. Speaker, during rollcall vote No. 397 on House Resolution 571, I was unavoidably detained. Had I been present, I would have voted "aye."

MESSAGE FROM THE SENATE

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

H.R. 4551. An act to amend the Civil Liberties Act of 1988 to increase the authorization for the Trust Fund under that Act, and for other purposes.

The message also announced that the Senate disagrees to the amendments of

the House to the bill (S. 2532), an act entitled the "Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act," agrees to the conference asked by the House of Representatives on the disagreeing votes of the two Houses thereon, and appoints from the Committee on Foreign Relations: Mr. PELL, Mr. BIDEN, Mr. SARBANES, Mr. CRANSTON, Mr. LUGAR, Mrs. KASSEBAUM, and Mr. PRESSLER; from the Committee on Agriculture, Nutrition, and Forestry for matters solely within their jurisdiction: Mr. LEAHY, Mr. KERREY, and Mr. LUGAR; from the Committee on Banking, Housing, and Urban Affairs, for matters solely within their jurisdiction and for matters within the shared jurisdiction of that committee and the Foreign Relations Committee: Mr. RIEGLE, Mr. SARBANES, and Mr. GARN; to be the conferees on the part of the Senate.

CONFERENCE REPORT ON S. 2344, VETERANS' MEDICAL PROGRAMS AMENDMENTS OF 1992

Mr. MONTGOMERY submitted the following conference report and statement on the Senate bill (S. 2344) to improve the provision of health care and other services to veterans by the Department of Veterans Affairs, and for other purposes:

CONFERENCE REPORT (H. REPT. 102–871)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2344), to improve the provision of health care and other services to veterans by the Department of Veterans Affairs, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Medical Programs Amendments of 1992".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code, and to Secretary of Veterans Affairs.

TITLE I—HEALTH CARE

PART A—GENERAL HEALTH CARE

Sec. 101. Increase in limit on certain grants for home structural alterations for disabled veterans.
Sec. 102. Submission of reports of Geriatrics and Gerontology Advisory Committee.
Sec. 103. Authority to hold joint title to medical equipment.
Sec. 104. Quality assurance activities.
Sec. 105. Advisory Committee on Prosthetics and Special-Disabilities Programs.
Sec. 106. Prosthetic services report.
Sec. 107. Services for homeless veterans.

PART B—MENTAL HEALTH PROVISIONS

Sec. 121. Marriage and family counseling for Persian Gulf War veterans.
Sec. 122. Post-traumatic stress disorder research and reports.
Sec. 123. Post-traumatic stress disorder program planning.

TITLE II—HEALTH-CARE PERSONNEL

Sec. 201. Cap on certain rates of pay.
Sec. 202. Minimum period of service for scholarship recipients.
Sec. 203. Authority to purchase items of nominal value for recruitment purposes.
Sec. 204. Special pay for certain physicians and dentists based on board certification.
Sec. 205. Authority to appoint non-physician directors to the office of the Under Secretary for Health.
Sec. 206. Expansion of director grade of the physician and dentist pay schedule.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Authorization requirement for construction of new medical facilities.
Sec. 302. Redesignation of certain positions within the Department of Veterans Affairs.
Sec. 303. Attorney fees in connection with certain Department of Veterans Affairs proceedings.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE, AND TO SECRETARY OF VETERANS AFFAIRS.

(a) REFERENCES TO TITLE 38.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

(b) REFERENCES TO SECRETARY.—Except as otherwise expressly provided, any reference in this Act to "the Secretary" is a reference to the Secretary of Veterans Affairs.

TITLE I—HEALTH CARE

PART A—GENERAL HEALTH CARE

SEC. 101. INCREASE IN LIMIT ON CERTAIN GRANTS FOR HOME STRUCTURAL ALTERATIONS FOR DISABLED VETERANS.

(a) INCREASE.—Section 1717(a)(2) is amended by striking out "$2,500" and "$600" and inserting in lieu thereof "$4,100" and "$1,200", respectively.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to a veteran who first applies for benefits under section 1717(a)(2) of title 38, United States Code, after December 31, 1989.

(c) APPLICABILITY.—A veteran who exhausts such veteran's eligibility for benefits under section 1717(a)(2) of title 38, United States Code, before January 1, 1990, is not entitled to additional benefits under such section by reason of the amendments made by subsection (a).

SEC. 102. SUBMISSION OF REPORTS OF GERIATRICS AND GERONTOLOGY ADVISORY COMMITTEE.

Paragraph (2) of section 7315(c) is amended to read as follows:

"(2) Whenever the Committee submits a report to the Secretary under paragraph (1), the Committee shall at the same time transmit a copy of the report in the same form to the appropriate committees of Congress. Not later than 90 days after receipt of a report under that paragraph, the Secretary shall submit to the appropriate committees of Congress a report containing any comments and recommendations of the Secretary with respect to the report of the Committee.".

SEC. 103. AUTHORITY TO HOLD JOINT TITLE TO MEDICAL EQUIPMENT.

(a) IN GENERAL.—(1) Chapter 81 is amended by adding at the end of subchapter IV the following new sections:

"§8157. Joint title to medical equipment

"(a) Subject to subsection (b), the Secretary may enter into agreements with institutions described in section 8153(a) of this title for the joint acquisition of medical equipment.

"(b)(1) The Secretary may not pay more than one-half of the purchase price of equipment acquired through an agreement under subsection (a).

"(2) Any equipment to be procured under such an agreement shall be procured by the Secretary. Title to such equipment shall be held jointly by the United States and the institution.

"(3) Before equipment acquired under such an agreement may be used, the parties to the agreement shall arrange by contract under section 8153 of this title for the exchange or use of the equipment.

"(4) The Secretary may not contract for the acquisition of medical equipment to be purchased jointly under an agreement under subsection (a) until the institution which enters into the agreement provides to the Secretary its share of the purchase price of the medical equipment.

"(c)(1) Notwithstanding any other provision of law, the Secretary may transfer the interest of the Department in equipment acquired through an agreement under subsection (a) to the institution which holds joint title to the equipment if the Secretary determines that the transfer would be justified by compelling clinical considerations or the economic interest of the Department. Any such transfer may only be made upon agreement by the institution to pay to the Department the amount equal to one-half of the depreciated purchase price of the equipment. Any such payment when received shall be credited to the applicable Department medical appropriation.

"(2) Notwithstanding any other provision of law, the Secretary may acquire the interest of an institution in equipment acquired under subsection (a) if the Secretary determines that the acquisition would be justified by compelling clinical considerations or the economic interests of the Department. The Secretary may not pay more than one-half the depreciated purchase price of that equipment.

"§8158. Deposit in escrow

"(a) To facilitate the procurement of medical equipment pursuant to section 8157 of this title, the Secretary may enter into escrow agreements with institutions described in section 8153(a) of this title. Any such agreement shall provide that—

"(1) the institutions shall pay to the Secretary the funds necessary to make a payment under section 8157(b)(4) of this title;

"(2) the Secretary, as escrow agent, shall administer those funds in an escrow account; and

"(3) the Secretary shall disburse the escrowed funds to pay for such equipment upon its delivery or in accordance with the contract to procure the equipment and shall disburse all accrued interest or other earnings on the escrowed funds to the institution.

"(b) As escrow agent for funds placed in escrow pursuant to an agreement under subsection (a), the Secretary may—

"(1) invest the escrowed funds in obligations of the Federal Government or obligations which are insured or guaranteed by the Federal Government;

"(2) retain in the escrow account interest or other earnings on such investments;

"(3) disburse the funds pursuant to the escrow agreement; and

"(4) return undisbursed funds to the institution.

"(c)(1) If the Secretary enters into an escrow agreement under this section, the Secretary may enter into an agreement to procure medical equipment if one-half the purchase price of the equipment is available in an appropriation or fund for the expenditure or obligation.

"(2) Funds held in an escrow account under this section shall not be considered to be public funds.".

(2) The table of sections at the beginning of chapter 81 is amended by inserting after the item relating to section 8156 the following new items:

"8157. Joint title to medical equipment.
"8158. Deposit in escrow.".

(b) REPORT.—Not later than 45 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the Secretary's plans for implementation of this section. The report shall include an identification and discussion of—

(1) the instructions the Secretary proposes to issue to medical facilities to guide the development of proposals for procurement of medical equipment under this section, including instructions for ensuring equitable arrangements for use of the equipment by the Department and the co-purchasers of the equipment;

(2) the criteria by which the Secretary plans to evaluate proposals to procure medical equipment under this section;

(3) the means by which the Secretary will integrate the process of procuring equipment under this section with the policies and procedures governing health care planning by the Veterans Health Administration; and

(4) the criteria by which determinations to transfer title to equipment under section 8157(c) of title 38, United States Code, as added by subsection (a), would be made.

SEC. 104. QUALITY ASSURANCE ACTIVITIES.

Effective on October 1, 1992, programs and activities which (1) the Secretary carries out pursuant to section 7311(a) of title 38, United States Code, or (2) are described in section 201(a)(1) and 201(a)(3) of Public Law 100-322 (102 Stat. 508) shall be deemed to be part of the operation of hospitals, nursing homes, and domiciliary facilities of the Department of Veterans Affairs, without regard to the location of the duty stations of employees carrying out those programs and activities.

SEC. 105. ADVISORY COMMITTEE ON PROSTHETICS AND SPECIAL-DISABILITIES PROGRAMS.

(a) STATUS AND NAME OF COMMITTEE.—The Federal advisory committee established by the Secretary and known as the Prosthetics Service Advisory Committee shall after the date of the enactment of this Act be known as the Advisory Committee on Prosthetics and Special-Disabilities Programs and shall operate as though such committee had been established by law. Notwithstanding any other provision of law, the Committee may, upon the enactment of this Act, meet and act on any matter covered by subsection (b) of section 543 of title 38, United States Code, as added by subsection (b) of this section.

(b) STATUTORY ESTABLISHMENT.—(1) Chapter 5 is amended by adding at the end of subchapter III the following new section:

"§543. Advisory Committee on Prosthetics and Special-Disabilities Programs

"(a) There is in the Department an advisory committee known as the Advisory Committee on Prosthetics and Special-Disabilities Programs (hereinafter in this section referred to as the 'Committee').

"(b) The objectives and scope of activities of the Committee shall relate to—

"(1) prosthetics and special-disabilities programs administered by the Secretary;

"(2) the coordination of programs of the Department for the development and testing of, and for information exchange regarding, prosthetic devices;

"(3) the coordination of Department and non-Department programs that involve the development and testing of prosthetic devices; and

"(4) the adequacy of funding for the prosthetics and special-disabilities programs of the Department.

"(c) The Secretary shall, on a regular basis, consult with and seek the advice of the Committee on the matters described in subsection (b).

"(d) Not later than January 15 of 1993, 1994, and 1995, the Committee shall submit to the Secretary and the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the effectiveness of the prosthetics and special-disabilities programs administered by the Secretary during the preceding fiscal year. Not more than 60 days after the date on which any such report is received by the Secretary, the Secretary shall submit a report to such committees commenting on the report of the Committee.

"(e) As used in this section, the term 'special-disabilities programs' includes all programs administered by the Secretary for—

"(1) spinal-cord-injured veterans;

"(2) blind veterans;

"(3) veterans who have lost or lost the use of extremities;

"(4) hearing-impaired veterans; and

"(5) other veterans with serious incapacities in terms of daily life functions.".

(2) The table of sections at the beginning of chapter 5 is amended by adding at the end the following new item:

"543. Advisory Committee on Prosthetics and Special-Disabilities Programs.".

SEC. 106. PROSTHETIC SERVICES REPORT.

Not later than six months after the date of the enactment of this Act, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing—

(1) the Secretary's evaluation of the reasons for the backlog that occurred in the procurement of prosthetic appliances in fiscal year 1989, and for the failure to furnish prosthetic appliances in accordance with the priority established in section 1712(i) of title 38, United States Code; and

(2) a description of the actions that the Secretary has taken and plans to take to prevent a recurrence of—

(A) the accumulation of a significant backlog in the procurement of prosthetic appliances; and

(B) the failure to furnish prosthetic appliances in accordance with such priority, including a schedule for any such planned actions.

SEC. 107. SERVICES FOR HOMELESS VETERANS.

(a) PROGRAM DEVELOPMENT.—The Secretary shall assess all programs developed by facilities of the Department of Veterans Affairs which have been designed to assist homeless veterans. To the maximum extent practicable, the Secretary shall seek to replicate at other facilities of the Department those programs that have as a goal the rehabilitation of homeless veterans and which the Secretary has determined to be successful in achieving that goal by fostering reintegration of homeless veterans into the community and employment of such veterans.

(b) ASSESSMENT AND COORDINATION.—(1) In carrying out subsection (a), the Secretary shall require the director of each medical center or the director of each regional benefits office to make an assessment of the needs of homeless veterans living within the area served by the medical center or regional office, as the case may be.

(2) Each such assessment shall be made in coordination with representatives of State and local governments, other appropriate departments and agencies of the Federal Government, and nongovernmental organizations that have experience working with homeless persons in that area.

(3) Each such assessment shall identify the needs of homeless veterans with respect to the following:

(A) Health care.
(B) Education and training.
(C) Employment.
(D) Shelter.
(E) Counseling.
(F) Outreach services.

(4) Each assessment shall also indicate the extent to which the needs referred to in paragraph (3) are being met adequately by the programs of the Department, of other departments and agencies of the Federal Government, of State and local governments, and of nongovernmental organizations.

(5) Each assessment shall be carried out in accordance with uniform procedures and guidelines prescribed by the Secretary.

(c) PLANNING.—In furtherance of subsection (a), the Secretary shall require the director of each medical center and the director of each regional benefits office, in coordination with representatives of State and local governments, other Federal officials, and nongovernmental organizations that have experience working with homeless persons in the areas served by such facility, to—

(1) develop a list of all public and private programs that provide assistance to homeless persons or homeless veterans in the area concerned, together with a description of the services offered by those programs; and

(2) seek to encourage the development by the representatives of such entities, in coordination with the director, of a plan to coordinate among such public and private programs the provision of services to homeless veterans.

(d) SERVICES.—In furtherance of subsection (a), the Secretary shall require the director of each medical center or regional benefits office, in carrying out such director's responsibilities under title 38, United States Code, to take appropriate action to—

(1) meet, to the maximum extent practicable through existing programs and available resources, the needs of homeless veterans that are identified in the assessment conducted under subsection (b); and

(2) attempt to inform homeless veterans whose needs the director cannot meet under paragraph (1) of the services available to such veterans within the area served by such center or office.

(e) AUTHORITY TO ACCEPT DONATIONS FOR CERTAIN PROGRAMS.—The Secretary may accept donations of funds and services for the purposes of providing one-stop, non-residential services and mobile support teams and for expanding the medical services to homeless veterans eligible for such services from the Department of Veterans Affairs.

(f) DEFINITIONS.—As used in subsections (a) through (e):

(1) The term "medical center" means a medical center of the Department of Veterans Affairs.

(2) The term "regional benefits office" means a regional benefits office of the Department of Veterans Affairs.

(3) The term "veteran" has the meaning given such term in section 101(2) of title 38, United States Code.

(4) The term "homeless" has the meaning given such term in section 103(a), as limited by section 103(c), of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302(a)).

(g) EXTENSION OF CERTAIN PROGRAMS FOR HOMELESS VETERANS.—Section 801 of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Public Law 100-628; 102 Stat. 3257) is amended—

(1) in subsection (a), by striking out "to the Veterans' Administration" and all that follows through the period and inserting in lieu thereof the following: "to the Department of Veterans Affairs $50,000,000 for fiscal year 1993 for medical care of veterans. Funds appropriated pursuant to this section shall be in addition to any funds appropriated pursuant to any other authorizations (whether definite or indefinite) for medical care of veterans."; and

(2) in subsections (b) and (c), by striking out "Of the amount appropriated pursuant to subsection (a), 50 percent" and inserting in lieu thereof "The amounts appropriated pursuant to subsection (a)".

(h) EXTENSION OF PROGRAM FOR MENTALLY ILL HOMELESS VETERANS.—Section 115(d) of the Veterans' Benefits and Services Act of 1988 (38 U.S.C. 1712 note) is amended by striking out "1992" and inserting in lieu thereof "1994".

(i) REPORT.—Not later than February 1, 1993, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing an evaluation of the programs referred to in subsections (a) and (e).

PART B—MENTAL HEALTH PROVISIONS

SEC. 121. MARRIAGE AND FAMILY COUNSELING FOR PERSIAN GULF WAR VETERANS.

(a) REQUIREMENT.—Subject to the availability of funds appropriated pursuant to the authorization in subsection (g), the Secretary shall conduct a program to furnish to the persons referred to in subsection (b) the marriage and family counseling services referred to in subsection (c). The authority to conduct the program shall expire on September 30, 1994.

(b) PERSONS ELIGIBLE FOR COUNSELING.—The persons eligible to receive marriage and family counseling services under the program are—

(1) veterans who were awarded a campaign medal for active-duty service during the Persian Gulf War and the spouses and children of such veterans; and

(2) veterans who are or were members of the reserve components who were called or ordered to active duty during the Persian Gulf War and the spouses and children of such members.

(c) COUNSELING SERVICES.—Under the program, the Secretary may provide marriage and family counseling that the Secretary determines, based on an assessment by a mental-health professional employed by the Department and designated by the Secretary (or, in an area where no such professional is available, a mental-health professional designated by the Secretary and performing services under a contract or fee arrangement with the Secretary), is necessary for the amelioration of psychological, marital, or familial difficulties that result from the active duty service referred to in subsection (b) (1) or (2).

(d) MANNER OF FURNISHING SERVICES.—(1) Marriage and family counseling services shall be furnished under the program—

(A) by personnel of the Department of Veterans Affairs who are qualified to provide such counseling services;

(B) by appropriately certified marriage and family counselors employed by the Department; and

(C) by qualified mental health professionals pursuant to contracts with the Department, when Department facilities are not capable of furnishing economical medical services because of geographical inaccessibility or are not capable of furnishing the services required.

(2) The Secretary shall establish the qualifications required of personnel under subparagraphs (A) and (C) of paragraph (1) and shall prescribe the training, experience, and certification required of appropriately certified marriage and family counselors under subparagraph (B) of such paragraph.

(3) The Secretary may employ licensed or certified marriage and family counselors to provide counseling under paragraph (1)(B) and may classify the positions in which they are employed at levels determined appropriate by the Secretary, taking into consideration the training, experience, and licensure or certification required of such counselors.

(e) CONTRACT COUNSELING SERVICES.—(1) Subject to paragraphs (2) and (4), a mental health professional referred to in subsection (d)(1)(C) may furnish marriage and family counseling services to a person under the program as follows:

(A) For a period of not more than 15 days beginning on the date of the commencement of the furnishing of such services to the person.

(B) For a 90-day period beginning on such date if—

(i) the mental health professional submits to the Secretary a treatment plan with respect to the person not later than 15 days after such date; and

(ii) the treatment plan and the assessment made under subsection (c) are approved by an appropriate mental health professional of the Department designated for that purpose by the Under Secretary for Health.

(C) For an additional 90-day period beginning on the date of the expiration of the 90-day period referred to in subparagraph (B) (or any subsequent 90-day period) if—

(i) not more than 30 days before the expiration of the 90-day period referred to in subparagraph (B) (or any subsequent 90-day period), the mental health professional submits to the Secretary a revised treatment plan containing a justification of the need of the person for additional counseling services; and

(ii) the plan is approved in accordance with the provisions of subparagraph (B)(ii).

(2)(A) A mental health professional referred to in paragraph (1) who assesses the need of any person for services for the purposes of subsection (c) may not furnish counseling services to that person.

(B) The Secretary may waive the prohibition referred to in subparagraph (A) for locations (as determined by the Secretary) in which the Secretary is unable to obtain the assessment referred to in that subparagraph from a mental health professional other than the mental health professional with whom the Secretary enters into contracts under subsection (d)(1)(C) for the furnishing of counseling services.

(3) The Secretary shall reimburse mental health professionals for the reasonable cost (as determined by the Secretary) of furnishing counseling services under paragraph (1). In the event of the disapproval of a treatment plan of a person submitted by a mental health professional under paragraph (1)(B)(i), the Secretary shall reimburse the mental health professional for the reasonable cost (as so determined) of furnishing counseling services to the person for the period beginning on the date of the commencement of such services and ending on the date of the disapproval.

(4) The Secretary may authorize the furnishing of counseling in an individual case for a period shorter than the 90-day period specified in subparagraph (B) or (C) of paragraph (1) and, upon further consideration, extend the shorter period to the full 90 days.

(5)(A) For the purposes of this subsection, the term "treatment plan", with respect to a person entitled to counseling services under the program, must include—

(i) an assessment by the mental health professional submitting the plan of the counseling needs of the person described in the plan on the date of the submittal of the plan; and

(ii) a description of the counseling services to be furnished to the person by the mental health professional during the 90-day period covered by the plan, including the number of counseling sessions proposed as part of such services.

(B) The Secretary shall prescribe an appropriate form for the treatment plan.

(f) COST RECOVERY.—For the purposes of section 1729 of title 38, United States Code, marriage and family counseling services furnished under the program shall be deemed to be care and services furnished by the Department under chapter 17 of such title, and the United States shall be entitled to recover or collect the reasonable cost of such services in accordance with that section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 for each of fiscal years 1993 and 1994 to carry out this section.

(h) REPORT.—Not later than July 1, 1994, the Secretary shall submit to Congress a report on the program conducted pursuant to this section. The report shall contain information regarding the persons furnished counseling services under the program, including—

(1) the number of such persons, stated as a total number and separately for each eligibility status referred to in subsection (b);

(2) the age and gender of such persons;

(3) the manner in which such persons were furnished such services under the program; and

(4) the number of counseling sessions furnished to such persons.

(i) DEFINITIONS.—For the purposes of this section, the terms "veteran", "child", "active duty", "reserve component", "spouse", and "Persian Gulf War" have the meanings given such terms in paragraphs 101 (2), (4), (21), (27), (31), and (33) of section 101 of title 38, United States Code, respectively.

SEC. 122. POST-TRAUMATIC STRESS DISORDER RESEARCH AND REPORTS.

(a) RESEARCH PRIORITY.—In carrying out research and awarding grants under chapter 73 of title 38, United States Code, the Secretary shall assign a high priority to the conduct of research on mental illness, including research regarding (1) post-traumatic stress disorder, (2) post-traumatic stress disorder in association with substance abuse, and (3) the treatment of those disorders.

(b) UPDATES OF REPORTS UNDER SECTION 110(c) OF PUBLIC LAW 98-528.—(1) Not later than October 1, 1992, and October 1, 1993, the Special Committee on Post-Traumatic-Stress Disorder established pursuant to section 110(b)(1) of the Veterans' Health Care Act of 1984 (38 U.S.C. 1712A note) shall concurrently submit to the Secretary and the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing information updating the reports submitted to the Secretary under section 110(e) of the Veterans' Health Care Act of 1984, together with any additional information the Special Committee considers appropriate regarding the overall efforts of the Department of Veterans Affairs to meet the needs of veterans with post-traumatic stress disorder and other psychological problems in readjusting to civilian life.

(2) Not later than 90 days after receiving each of the reports under paragraph (1), the Secretary shall submit to the committees any comments concerning the report that the Secretary considers appropriate.

SEC. 123. POST-TRAUMATIC STRESS DISORDER PROGRAM PLANNING.

(a) PLAN.—The Secretary shall develop a plan—

(1) to ensure, to the maximum extent practicable, that veterans suffering from post-traumatic stress disorder related to active duty are provided appropriate treatment and rehabilitative services for that condition in a timely manner;

(2) to expand and improve the services available for veterans suffering from post-traumatic stress disorder related to active duty;

(3) to eliminate waiting lists for inpatient treatment and other modes of treatment for post-traumatic stress disorder;

(4) to enhance outreach activities carried out to inform combat-area veterans of the availability of treatment for post-traumatic stress disorder; and

(5) to ensure, to the extent practicable, that there are Department post-traumatic stress disorder treatment units in locations that are readily accessible to veterans residing in rural areas of the United States.

(b) CONSIDERATIONS.—In developing the plan referred to in subsection (a), the Secretary shall consider—

(1) the numbers of veterans suffering from post-traumatic stress disorder related to active duty, as indicated by relevant studies, scientific and clinical reports, and other pertinent information;

(2) the numbers of veterans who would likely seek post-traumatic stress disorder treatment from the Department if waiting times for treatment were eliminated and outreach activities to combat-area veterans with post-traumatic stress disorder were enhanced;

(3) the current and projected capacity of the Department to provide appropriate treatment and rehabilitative services for post-traumatic stress disorder;

(4) the level and geographic accessibility of inpatient and outpatient care available through the Department for veterans suffering from post-traumatic stress disorder across the United States;

(5) the desirability of providing that inpatient and outpatient post-traumatic stress disorder care be furnished in facilities of the Department that are physically independent of general psychiatric wards of the medical facilities of the Department;

(6) the treatment needs of veterans suffering from post-traumatic stress disorder who are women, of such veterans who are ethnic minorities (including Native Americans, Native Hawaiians, Asian-Pacific Islanders, and Native Alaskans), and of such veterans who suffer from substance abuse problems in addition to post-traumatic stress disorder; and

(7) the recommendations of the Special Committee on Post-Traumatic-Stress Disorder with respect to (A) specialized inpatient and outpatient programs of the Department for the treatment of post-traumatic stress disorder, and (B) with respect to the establishment of educational programs that are designed for each of the various levels of education, training, and experience of the various mental health professionals involved in the treatment of veterans suffering from post-traumatic stress disorder.

(c) REPORT.—Not later than six months after the date of the enactment of this Act, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the plan developed pursuant to subsection (a). The report shall include specific information relating to the consideration given to the matters described in subsection (b).

(d) DEFINITIONS.—For the purposes of this section:

(1) The term "active duty" has the meaning given that term in section 101(21) of title 38, United States Code.

(2) The term "veteran" has the meaning given that term in section 101(2) of such title.

(3) The term "combat-area veteran" means a veteran who served on active duty in an area at a time during which hostilities (as defined in section 1712A(a)(2)(B) of such title) occurred in such area.

TITLE II—HEALTH-CARE PERSONNEL

SEC. 201. CAP ON CERTAIN RATES OF PAY.

Section 7455(c) is amended—

(1) by inserting "(1)" after "(c)";

(2) by inserting "by two times" after "exceed" the first place it appears; and

(3) by adding at the end the following:

"(2) Whenever the amount of an increase under subsection (a) results in a rate of basic pay for a position being equal to or greater than the amount that is 94 percent of the maximum amount permitted under paragraph (1), the Secretary shall promptly notify the Committees on Veterans' Affairs of the Senate and House of Representatives of the increase and the amount thereof.".

SEC. 202. MINIMUM PERIOD OF SERVICE FOR SCHOLARSHIP RECIPIENTS.

(a) MINIMUM SERVICE REQUIREMENT.—Section 7612(c)(1) is amended by striking out the period at the end of subparagraph (B) and inserting in lieu thereof ", but for not less than two years.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to scholarship agreements entered into after the date of the enactment of this Act.

SEC. 203. AUTHORITY TO PURCHASE ITEMS OF NOMINAL VALUE FOR RECRUITMENT PURPOSES.

Section 7423 is amended by adding at the end the following new subsection:

"(f) The Secretary may purchase promotional items of nominal value for use in the recruitment of individuals for employment under this chapter. The Secretary shall prescribe guidelines for the administration of the preceding sentence.".

SEC. 204. SPECIAL PAY FOR CERTAIN PHYSICIANS AND DENTISTS BASED ON BOARD CERTIFICATION.

(a) IN GENERAL.—Section 7437(e) is amended by striking out "only for the special-pay" and all that follows through the period in paragraphs (1)(C) and (2)(C) and inserting in lieu thereof "for no special-pay factors other than primary, full-time, length of service, and specialty or board certification.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply as if enacted with the amendment made by section 102 of the Department of Veterans Affairs Health-Care Personnel Act of 1991 (Public Law 102–40; 105 Stat. 187).

(c) AVAILABILITY OF FUNDS.—Expenses incurred for periods before October 1, 1991, by reason of the amendments made by subsection (a) may be charged to fiscal year 1992 appropriations available for the same purpose.

SEC. 205. AUTHORITY TO APPOINT NON-PHYSICIAN DIRECTORS TO THE OFFICE OF THE UNDER SECRETARY FOR HEALTH.

Section 7306(a) is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following new paragraph (7):

"(7) Such directors of such other professional or auxiliary services as may be appointed to suit the needs of the Department, who shall be responsible to the Under Secretary for Health for the operation of their respective services.".

SEC. 206. EXPANSION OF DIRECTOR GRADE OF THE PHYSICIAN AND DENTIST PAY SCHEDULE.

Section 7404(b)(2) is amended in the first sentence by inserting ", or comparable position" before the period.

TITLE III—MISCELLANEOUS

SEC. 301. AUTHORIZATION REQUIREMENT FOR CONSTRUCTION OF NEW MEDICAL FACILITIES.

(a) AUTHORIZATION REQUIREMENT.—(1) Paragraph (2) of section 8104(a) is amended to read as follows:

"(2) No funds may be appropriated for any fiscal year, and the Secretary may not obligate or expend funds (other than for advance planning and design), for any major medical facility project or any major medical facility lease unless funds for that project or lease have been specifically authorized by law.".

(2) Paragraph (3)(B) of that section is amended—

(A) by inserting "new" before "medical facility" the second place it appears; and

(B) by striking out "$500,000" and inserting in lieu thereof "$300,000".

(3) Subsection (c) of section 8104 is amended by striking out "resolution" both places it appears and inserting in lieu thereof "law".

(b) APPLICABILITY.—The amendments made by subsection (a) shall not apply with respect to any project for which funds were appropriated before the date of the enactment of this Act.

SEC. 302. REDESIGNATION OF CERTAIN POSITIONS WITHIN THE DEPARTMENT OF VETERANS AFFAIRS.

(a) REDESIGNATION OF POSITION OF CHIEF MEDICAL DIRECTOR.—The position of Chief Medical Director of the Department of Veterans Affairs is hereby redesignated as Under Secretary for Health of the Department of Veterans Affairs.

(b) REDESIGNATION OF POSITION OF CHIEF BENEFITS DIRECTOR.—The position of Chief Benefits Director of the Department of Veterans Affairs is hereby redesignated as Under Secretary for Benefits of the Department of Veterans Affairs.

(c) TITLE 38 CONFORMING AMENDMENTS.—(1) Title 38, United States Code, is amended by striking out "Chief Medical Director" and "Chief Benefits Director" each place they appear (including in headings and tables but not including the sentences added by paragraphs (2) and (3)) and inserting in lieu thereof "Under Secretary for Health" and "Under Secretary for Benefits", respectively.

(2) Section 7301(a) is amended by adding after the last sentence the following: "The Under Secretary for Health may be referred to as the Chief Medical Director.".

(3) Section 7701(b) is amended by adding after the last sentence the following: "The Under Secretary for Benefits may be referred to as the Chief Benefits Director.".

(d) EXECUTIVE SCHEDULE CONFORMING AMENDMENT.—Section 5314 of title 5, United States Code, is amended by striking out the following:

"Chief Medical Director, Department of Veterans Affairs.

"Chief Benefits Director, Department of Veterans Affairs.";

and inserting in lieu thereof the following:

"Under Secretary for Health, Department of Veterans Affairs.

"Under Secretary for Benefits, Department of Veterans Affairs.".

(e) REFERENCES IN OTHER LAWS.—Any reference in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Department of Veterans Affairs—

(1) to the Chief Medical Director of the Department of Veterans Affairs shall be deemed to refer to the Under Secretary for Health of the Department of Veterans Affairs; and

(2) to the Chief Benefits Director of the Department of Veterans Affairs shall be deemed to refer to the Under Secretary for Benefits of the Department of Veterans Affairs.

SEC. 303. ATTORNEY FEES IN CONNECTION WITH CERTAIN DEPARTMENT OF VETERANS AFFAIRS PROCEEDINGS.

(a) IN GENERAL.—Section 5904(c) is amended—

(1) By striking out "In" at the beginning of paragraph (1) and inserting in lieu thereof "Except as provided in paragraph (3), in"; and

(2) by adding at the end the following new paragraph:

"(3) A reasonable fee may be charged or paid in connection with any proceeding before the Department in a case arising out of a loan made, guaranteed, or insured under chapter 37 of this title. A person who charges a fee under this paragraph shall enter into a written agreement with the person represented and shall file a copy of the fee agreement with the Secretary at such time, and in such manner, as may be specified by the Secretary.".

(b) EFFECTIVE DATE.—Paragraph (3) of section 5904(c) of title 38, United States Code, as added by subsection (a), shall apply with respect to services of agents and attorneys provided after the date of the enactment of this Act.

And the House agree to the same.

G.V. MONTGOMERY,
DON EDWARDS,
J. ROY ROWLAND,
BOB STUMP,
JOHN PAUL HAMMERSCHMIDT,
Managers on the Part of the House.

ALAN CRANSTON,
JOHN D. ROCKEFELLER,
ARLEN SPECTER,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the Senate and the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2344) to improve the provision of health care and other services to veterans by the Department of Veterans Affairs, and for other purposes, submit the following joint statement to the Senate and House in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck out all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the Senate bill and the House amendment. For each provision of the conference report, the differences between the provisions of the Senate bill, the House amendment, and the substitute agreed to in conference are noted below (followed by a statement showing changes made in existing law) except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

TITLE I—GENERAL HEALTH

Part A—General Health Care

INCREASE IN LIMIT ON CERTAIN GRANTS FOR HOME STRUCTURAL ALTERATIONS FOR DISABLED VETERANS

Currrent law

Section 1717(a)(2) of title 38, United States Code, authorizes VA to furnish, as part of medical services furnished to a veteran under section 1712(a) of title 38, improvements and structural alterations as necessary to assure the continuation of treatment for the veterans' disability or to provide the veteran access to the home or to essential lavatory and sanitary facilities. The cost of (or reimbursement for) the improvements and alterations may not exceed (a) $2,500 in the case of medical services furnished under section 1712(a)(1) of title 38, *i.e.*, services furnished (1) to a veteran for a service-connected disability, (2) for any disability of a veteran who has a service-connected disability rated at 50 percent or more, or (3) to any veteran for a disability for which the veteran is in receipt of compensation under section 1151 of title 38; or (b) $600 in the case of medical services furnished under any other provision of section 1712 of title 38.

Senate bill

Section 202, effective on the date of enactment, would (a) increase the maximum amount of reimbursement for such home modifications to $5,000 in the case of medical services furnished under section 1712(a)(1) of title 38; and (b) $1,200 in the case of medical services furnished under any other provision of section 1712.

House amendment

Section 101 would amend section 1717(a)(2) to increase, as of the date of enactment, the maximum amount of reimbursement for such home modifications to (a) $3,300 in the case of medical services furnished under section 1712(a)(1) of title 38; or (b) $1,200 in the case of medical services furnished under any other provision of section 1712.

Conference agreement

Section 101 would (a) increase the maximum amount of reimbursement for home modifications to (1) $4100 in the case of medical services furnished under section 1712(a)(1); (2) $1200 in the case of medical services furnished under any other provision of section 1712; (b) provide that the new rates would be effective in any case of a veteran who first applies for the grant benefit on or after January 1, 1990; and (c) clarify that a veteran who, prior to January 1, 1990, received the maximum amount of reimbursement authorized under the current limits of section 1717 is not entitled to additional monetary benefits by reason of the amendments.

SUBMISSION OF REPORTS OF GERIATRICS AND GERONTOLOGY ADVISORY COMMITTEE

Current law

Section 7315 of title 38(a) requires the Secretary to establish a Geriatrics and Gerontology Advisory Committee (GGAC); (b) sets forth the GGAC's duties; (c) requires the GGAC to submit to the Secretary, through the Chief Medical Director, such reports as the GGAC considers appropriate; and (d) requires the Secretary to transmit any GGAC reports, together with the Secretary's comments and recommendations thereon, to the House and Senate Committees on Veterans' Affairs not later than 90 days after receipt from the GGAC.

Senate bill

No provision.

House amendment

Section 103 would amend section 7315 to add a requirement that any reports issued by the GGAC be submitted simultaneously to the Secretary and the Congressional Committees on Veterans' Affairs.

Conference agreement

Section 102 follows the House provision.

AUTHORITY TO HOLD JOINT TITLE TO MEDICAL EQUIPMENT

Current law

Section 8153(a) of title 38 authorizes the Secretary of Veterans Affairs to make arrangements, by contract or other form of agreement, for the sharing of specialized medical resources, including medical equipment, between VA health-care facilities and non-VA facilities for the mutual use, or exchange of use, of specialized medical resources when such an agreement will obviate the need for a VA health-care facility to provide a similar resource, or when specialized VA medical resources, while justified on the basis of veterans' care, are not utilized by VA to their maximum effective capacity. This section does not contain a specific authority for the joint procurement of medical equipment.

Senate bill

No provision.

House amendment

Section 105 would amend chapter 81 to add new sections 8157 and 8158 which would (a) permit the Secretary to enter into agreements with non-VA institutions described in section 8153(a) of title 38 for the acquisition of medical equipment where (1) the Secretary pays not more than one-half of the purchase price of equipment acquired, (2) the Secretary procures the equipment, (3) the Secretary and the chief executive of the non-VA institution arrange by contract, before the equipment is used, for the exchange of use of the equipment, and (4) the Secretary does not contract for the acquisition of such equipment until the non-VA institution provides its share of the purchase price of the equipment to the Secretary; (b) permit the Secretary, notwithstanding any other provision of law, to (1) transfer VA's interest in equipment acquired through a joint agreement to the non-VA institution holding joint title to the equipment if (A) the Secretary determines that the transfer would be justified by compelling clinical considerations or the economic interest of VA, and (B) the institution agrees to pay VA one-half of the depreciated purchase price of the equipment, and (2) acquire the interest of the non-VA institution in the equipment if (A) the Secretary determines that the acquisition would be justified by the considerations specified in (b)(1), above, and (B) VA pays no more than one-half of the depreciated price of the equipment; (c) permit the Secretary to enter into an escrow agreement with the non-VA institution which would (1) require that institution to pay to the Secretary the funds necessary to make a payment under a joint-funding acquisition agreement, (2) require the Secretary, as escrow agent, to administer those funds in an escrow account, and (3) require the Secretary to disburse those funds to pay for the equipment upon its delivery or in accordance with the procurement contract and disburse all accrued interest or other earnings on the escrowed funds to the non-VA institution; (d) permit the Secretary, as escrow agent, to (1) invest the escrowed funds in obligations which are insured or guaranteed by the Federal Government, (2) retain in the escrow account interest or other earnings on the investments, (3) disburse the funds pursuant to the escrow agreement, and (4) return undisbursed funds to the non-VA institution; (e) permit the Secretary, if the Secretary enters into an escrow agreement, to enter into a joint-funding acquisition agreement, if one-half of the purchase price of the equipment is available in an appropriation of funds for the expenditure or obligation; (f) require that funds held in an escrow account not be considered public funds; and (g) require the Secretary, not later than 45 days after the date of enactment, to submit to the House and Senate Committees on Veterans' Affairs a report on the Secretary's plans for implementation of this provision, along with identification and discussion of (1) the instructions the Secretary proposes to issue to medical facilities for the development of proposals for jointly funded procurement of medical equipment,

including instructions for ensuring equitable arrangements for use of the equipment by VA and the non-VA sharing partner, (2) the criteria the Secretary plans to use to evaluate proposals, (3) the means by which the Secretary will integrate the process of procuring equipment with policies and procedures governing health-care planning for VHA, and (4) the criteria by which determinations regarding the transfer of title to equipment would be made.

Conference agreement

Section 103 follows the House provision.

QUALITY ASSURANCE ACTIVITIES

Current law

Section 7311 of title 38 (a) requires the Secretary to (1) establish and conduct a comprehensive program to monitor and evaluate the quality of VA health-care services, and (2) delineate the responsibilities of the Chief Medical Director with respect to the quality assurance program; (b) specifies the types of information that the Chief Medical Director must evaluate as part of the quality assurance program; (c) requires the Chief Medical Director to make such recommendations as the Chief Medical Director considers appropriate on the basis of evaluations conducted pursuant to the quality assurance program; (d) requires (1) the Secretary to allocate sufficient resources (including sufficient personnel with the necessary skills and qualifications) to enable the Veterans Health Administration to carry out its responsibilities under section 7311 of title 38, and (2) the Inspector General to allocate sufficient resources (including sufficient personnel with the necessary skills and qualifications) to enable the Inspector General to monitor the quality assurance program.

Senate bill

No provision.

House amendment

Section 106 would require that, effective October 1, 1992, all quality assurance programs and activities carried out by the Secretary within the Veterans Health Administration be deemed to be part of the operation of hospitals, nursing homes, and domiciliary facilities, without regard to the locations of the duty stations of the employees carrying out those programs and activities, and thus would be funded through the Medical Care account.

Conference agreement

Section 104 follows the House provision.

ADVISORY COMMITTEE ON PROSTHETICS AND SPECIAL-DISABILITIES PROGRAMS

Current law

On September 4, 1991, the Secretary administratively established a Prosthetics Services Advisory Committee with twelve members.

Senate bill

Section 205 would require the Secretary to establish an Advisory Committee on Prosthetics and Special-Disabilities Programs with membership including representatives of veterans-prosthetics users, recognized experts in the field of prosthetics engineering, and individuals engaged in prosthetics research, rehabilitative medicine, and relevant clinical treatment. The function of the Committee would be to advise the Secretary on all matters related to prosthetics and special-disabilities programs administered by the Secretary; the coordination of programs of the Department for the development and testing of, and for information exchange regarding, prosthetics devices; the coordination of Department and non-Department programs that involve the development and testing of prosthetics devices; and the adequacy of funding for the prosthetics and special-disabilities programs of the Department. The Committee would be required to submit concurrently to the Congressional Committees on Veterans' Affairs and the Secretary three annual reports beginning on June 15, 1992. Not later than 30 days after receiving each report, the Secretary would be required to submit a report to the Congressional Committees on Veterans' Affairs commenting on the Advisory Committee's report.

House amendment

Section 107 is similar to the Senate provision with amendments such that the provision would (a) require the existing VA Prosthetics Services Advisory Committee—the charter of which was filed on September 4, 1990—to adhere to the objectives and scope set forth in the Senate provision; and (b) with respect to the Advisory Committee annual reports (1) require the reports on January 15 of 1993, 1994, and 1995, and (2) require that the Secretary submit commentary on the Advisory Committee's annual reports to the Committees not later than 60 days after the date on which any such report is received by the Secretary.

Conference agreement

Section 105 follows the House amendment.

PROSTHETIC SERVICES REPORT

Senate bill

Section 209 would require the Secretary to submit to the Congressional Committees on Veterans' Affairs by July 15, 1992, a report containing (a) an evaluation of the reasons for the accumulation of the backlog in VA's provision of prosthetic appliances that grew to $10.6 million in FY 1989 and for the failure to observe, in connection with the provision of prosthetic appliances, the statutory priorities established in section 1712(i)(1) of title 38, and (b) a description of the actions that the Secretary has taken and is planning to take to prevent such a recurrence of these problems.

House amendment

No provision.

Conference agreement

Section 106 follows the Senate bill with an amendment which changes the due date of the report to six months after the date of enactment of this Act.

SERVICES FOR HOMELESS VETERANS

Assessment of the needs of homeless veterans and available services

Senate bill

Section 203(a)(1) would require each VA medical center (VAMC) or regional benefits office (RO) (in consultation with all VA facilities serving veterans in the appropriate service area and with existing community-based organizations that have experience in working with homeless persons) to make an assessment of the needs of homeless veterans in that facility's catchment area for health care, education, training, employment, shelter, counseling, and outreach services and the extent to which these needs are being met by VA programs, other government programs, and private programs.

Section 203(a)(2) would require each VAMC, in conjunction with the appropriate RO and the Director of Veterans Employment and Training in the State, to develop a plan for each of FYs 1993, 1994, and 1995 for the provision of outreach and other comprehensive services to homeless veterans in that VAMC/RO catchment are and, in developing such a plan, to attempt, to the maximum feasible extent to meet, within existing authorities and available resources, needs identified in the assessment as unmet and to coordinate with other Federal, State, and local programs that provide services to homeless persons or homeless veterans. Each plan would be required to include a list of all local, private, and governmental programs that offer assistance to homeless persons or homeless veterans and identify the services offered by those programs.

Section 203(a)(3) would require the director of each VAMC to be responsible for carrying out the plan for that VAMC's catchment area and taking appropriate steps to seek to inform each homeless veteran, and each veteran who is at risk of becoming homeless, of the services available to the veteran within that area.

Section 203(a)(4) would require each VAMC director to disseminate to all other government agencies, local governments, and private entities that provide services to homeless veterans information regarding services provided to homeless veterans by the VAMC or other VA facilities.

House amendment

No provision.

Conference agreement

Section 107 generally follows the Senate bill with amendments such that the compromise agreement would require the Secretary to (a) assess all programs developed by facilities of the Department which have been designed and established to assist homeless veterans; (b) to the maximum extent practicable, seek to replicate at other facilities of the Department those programs which have as a goal the rehabilitation of homeless veterans and which the Secretary has determined to be successful in achieving that goal by fostering reintegration of such veterans in the community and the employment of such veterans; (c) require directors of VA medical centers and regional benefits offices, in coordination with non-VA organizations with experience working with local homeless persons, to develop lists of all programs assisting homeless persons and encourage the cooperative development of local plan for coordinating services for homeless veterans and (d) require directors of VA medical centers and regional benefits offices to meet, to the maximum extent practicable through existing programs and available resources, the identified needs of homeless veterans and attempt to inform homeless veterans whose needs cannot be met of services available in the area.

Extension of homeless chronically mentally ill (HCMI) veterans program

Current law

Under section 115 of Public Law 100-322, the Veterans' Benefits and Services Act of 1988, VA was required, in FYs 1988 and 1989, to conduct a pilot program to provide care, treatment, and rehabilitative services (directly or by contract) in halfway houses, therapeutic communities, psychiatric residential treatment centers, and other community-based treatment facilities to homeless chronically mentally ill (HCMI) veterans who are eligible for care under section 1710(a)(1) of title 38. Public Law 100-628, the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (McKinney Act II), authorized appropriations of $30 million for each of FYs 1989 and 1990 and required that 50 percent of the funds so appropriated in each of those years be available for the HCMI program and 50 percent be available for the Domiciliary Care for Homeless Veterans

(DCHV) program (discussed below). Public Law 101-237 extended the authority for the HCMI program through FY 1992, and Public Law 101-645 authorized appropriations of $31.5 million for FY 1991 and $33.075 million for FY 1992 to be divided equally between the HCMI and DCHV programs.

Senate bill

Section 203(e) would (a) extend through FY 1993 the authorization of HCMI appropriations and increase the authorized levels of appropriations to $35 million for FY 1992 and $40 million for FY 1993; and (b) extend the HCMI program's authority by two years, through FY 1994.

House amendment

No provision.

Conference agreement

Section 107(g) extends the HCMI program's authority through FY 1994 and increases the authorized level of appropriations for the HCMI and DCHV programs to $50 million for FY 1993, with funds appropriated in that year to be allocated between those two programs at the Secretary's discretion.

Extension of domiciliary care for homeless veterans (DCHV) program

Current law

Public Law 100-71, the Supplemental Appropriations Act of 1987, authorized VA to implement the DCHV program and appropriated $15 million for the conversion to domiciliary-care beds of underutilized space located in facilities in urban areas in which there are significant numbers of homeless veterans. Subsequent authorizations of appropriations of $15 million for FYs 1989 and 1990 were enacted in McKinney Act II, and authorizations of $15.75 million for 1991 and $16.54 million for FY 1992 were enacted in Public Law 101-645.

Senate bill

Section 203(e) would extend through FY 1993 the authorization of DCHV appropriations and increase the authorized level of appropriations to $22.5 million for FY 1992 and $25 million for FY 1993.

House amendment:

No provision.

Conference agreement

As noted above, section 107(g) authorizes the appropriation of $50 million for the HCMI and DCHV programs for FY 1993, with funds appropriated in that year to be allocated between those two programs at the Secretary's discretion.

Authority to accept donations for certain programs

Current law

Section 8301 of title 38 authorizes the Secretary to accept devises, bequests, and gifts with respect to which the donor has indicated a desire that the property be used for the benefit of veterans or a veterans' hospital or home. The Secretary may also accept, for use in carrying out all laws administered by the Secretary, gifts, devises, and bequests which will enhance the Secretary's ability to provide services and benefits.

Senate bill

Section 203(c) would authorize VA to accept donations for the purposes of establishing one-stop, non-residential service centers and mobile support teams and expanding the health services available to homeless veterans eligible for VA benefits and services.

House amendment

No provision.

Conference agreement

Section 107(e) follows the Senate bill.

Report

Senate bill

Section 203(f) would require the Secretary to submit by February 1, 1994, a report of an evaluation of certain programs relating to homeless veterans, specifically the assessment of the needs of homeless veterans, the pilot program for contract domiciliary care for homeless veterans, and the authority to accept donations for certain programs for homeless veterans.

House amendment

No provision.

Conference agreement

Section 107(i) follows the Senate bill, with a modification to limit the evaluation to the Secretary's replication of homeless veterans programs at other VA facilities and the authority to accept donations for certain programs.

Part B—Mental Health Provisions

MARRIAGE AND FAMILY COUNSELING FOR PERSIAN GULF WAR VETERANS

Current law

Under sections 1701(6)(B), 1712(b)(2), and 1712A(b)(2) of title 38, VA has limited authority to provide counseling services to family members of eligible veterans. Counseling of family members may be provided only if it is either necessary for the effective treatment or rehabilitation of a service-connected disability of a veteran, part of a necessary follow-up treatment of a veteran, part of a necessary follow-up treatment of a veteran who has been hospitalized, or essential to the effective treatment or readjustment of a veteran receiving mental health services under VA's readjustment counseling authority.

Senate bill

Sections 131 through 134 include provisions that would establish a program of marriage and family counseling for certain veterans of the Persian Gulf War and the spouses and families of such veterans, as follows:

Basic requirement

Section 131(a) would require VA to establish, within 30 days after enactment and subject to the availability of appropriations, a program of marriage and family counseling for certain Persian Gulf War veterans and their families. The authority for this program would expire on September 30, 1994.

Persons eligible for counseling

Section 131(b) would authorize VA to provide, either directly or by contract, marriage and family counseling to (a) veterans who were awarded campaign medals for active-duty service during the Persian Gulf War and their spouses, children, and parents, and (b) veterans who are or were members of reserve components—including the Reserve and National Guard forces—who were called to active duty during the war and their spouses, children, and parents.

Counseling services

Section 131(c) would permit VA to provide only marriage and family counseling that the Secretary determines—based on an assessment by a mental-health professional designated by the Secretary—is necessary for the amelioration of psychological, marital, or familial difficulties that resulted from the veteran's active duty service.

Manner of furnishing services

Section 131(d) would (a) require that the marriage and family counseling be furnished either (1) directly by VA personnel, including marriage and family counselors employed by VA, whom the Secretary determines are either appropriately certified or otherwise qualified, or (2) through contract arrangements with mental health professionals whom the Secretary determines are appropriately qualified; and (b) authorize VA to employ certified marriage and family counselors to provide counseling under the program and pay them at the rates prevailing for such counseling among non-VA professionals in the same locality.

Contract counseling services

Section 131(e) would in the case of contract counseling (a) require the provider to submit to VA within 15 days of the start of the treatment, on a form prescribed by the Secretary, a treatment plan which includes how many visits are expected. In a case in which a treatment plan is disapproved, require VA to reimburse the mental health professional for the reasonable cost (as determined by the Secretary) of furnishing counseling services to the person for the period beginning on the date of the commencement of such services and ending on the date of the disapproval; (b) provide that, when counseling is provided under a contract with VA, no care may be provided more than 90 days after the counseling was initiated (or after the end of a previously approved period of care) unless approved by the Secretary on the condition that counseling is needed as a result of active-duty service and is provided pursuant to an updated treatment plan submitted not more than 30 days before the end of the 90-day period (or before the end of the previously approved period of care); and (c) provide that, in the case of contract counseling, if a non-VA mental health professional determines that counseling is needed to ameliorate psychological difficulties resulting from active-duty service, that same mental health professional generally may not provide the services. The Secretary would be authorized to waive this prohibition for locations in which the Secretary is unable to obtain the assessment by a mental health professional other than the one with whom the Secretary contracts for the furnishing of counseling services.

Cost recovery

Section 131(f) would provide that the third-party reimbursement provisions in section 1729 of title 38, United States Code, under which VA is authorized, under certain circumstances, to collect from insurers the cost of care provided by VA, would apply to services provided under the pilot program.

Authorization of appropriations

Section 133 would authorize the appropriation of $10 million for each of fiscal years 1993 and 1994.

Reports

Section 134 would require the Secretary to submit (a) by April 1, 1993, an interim report describing the number of individuals who have received care under the program and the numbers of visits that the individuals made, with breakdowns showing the numbers who were reservists, other veterans, spouses, children, or parents and the numbers of individuals who received direct VA services as opposed to contract services; and (b) by January 1, 1994, a report that includes updates of those data and a description and evaluation of the program and any recommendations that the Secretary considers appropriate.

House amendment

No provision.

Conference agreement

Section 121 follows the Senate bill with amendments that (a) change the due date of

the Secretary's initial report on the program to July 1, 1994, and eliminate the January 1, 1994, final report requirement; (b) strike the 30-day requirement for implementation of the program; (c) change the program expiration date to September 30, 1994; (d) exclude parents from eligibility for counseling under the program; (e) authorize VA to establish a personnel classification specifically for marriage and family counselors; and (f) clarify that any contract arrangements are subject to the same provisions as set forth in section 1703 of title 38 which permits VA to contract for medical and rehabilitative services only when VA facilities are not capable of furnishing economical services because of geographic inaccessibility or are not capable of furnishing the required services.

POST-TRAUMATIC STRESS DISORDER RESEARCH AND REPORTS

Senate bill

Section 106(a)(6)(B) would require the Secretary, as part of the reporting requirement in section 106, to provide information on the Secretary's efforts to give research relating to PTSD a high priority in the allocation of funds available to VA for research related to mental health.

House amendment

Section 109 would require that the Secretary in carrying out research and awarding grants under chapter 73 of title 38, assign a high priority to the conduct of research on mental illness including research on PTSD, PTSD in association with substance abuse, and the treatment of those disorders.

Conference agreement

Section 122(a) follows section 109 of the House amendment.

SPECIAL COMMITTEE ON POST-TRAUMATIC STRESS DISORDER

Current law

Under section 110(e) of the Veterans' Health Care Act of 1984 (Public Law 98-528), the Secretary is required to submit to the Congressional Committees on Veterans' Affairs annual reports, not later than February 1 of 1986, 1987, 1988, and 1989, regarding the Department's efforts regarding PTSD and to include in such reports the views of the Department's Special Committee on PTSD. Section 210(e) of the Veterans' Benefits Amendments of 1989 (Public Law 101-237) required the Special Committee to submit concurrently to the Department and the Congressional Committees by February 1, 1990, a report updating the earlier reports. Section 204 of the Department of Veterans Affairs Nurse Pay Act of 1990 (Public Law 101-366) requires the Special Committee to submit a report concurrently to the Department and the Congressional Committees by February 1, 1991.

Senate bill

Section 107 would (a) require the Special Committee, not later than January 1, 1994, to submit its evaluation of the 1988 study on the postwar psychological problems of Vietnam veterans and (b) extend for two years, through January 1994, the reporting requirements of VA's Special Committee on PTSD and require the reports to be submitted concurrently to VA and the Congressional Committees.

House amendment

No provision.

Conference agreement

Section 122(b) requires the Special Committee to submit two additional reports, not later than October 1, 1992, and October 1, 1993, updating earlier Special Committee reports.

POST-TRAUMATIC STRESS DISORDER PROGRAM PLANNING

Senate bill

Section 105 would require that, not later than June 1, 1992, the Secretary (a) devise and initiate implementation of a plan to increase, to levels commensurate with the needs of veterans suffering from PTSD related to active-duty service, PTSD treatment provided in specialized inpatient and outpatient treatment programs, including PTSD/substance abuse programs, and in Vet Centers; and (b) enhance outreach activities to combat veterans and encourage such veterans to participate in treatment.

In developing this plan, the Secretary would be required to consider (a) the level and geographic accessibility of inpatient and outpatient care for veterans suffering from PTSD, (b) the desirability of furnishing inpatient care in facilities that are physically independent of general VA psychiatric wards, and (c) the treatment needs of veterans with PTSD who are women or who are members of ethnic minorities.

In implementing the plan, the Secretary would be required to (a) prescribe a schedule for implementation, (b) prescribe appropriate criteria for the selection and training of staff necessary to increase the availability of treatment and enhance outreach, and (c) provide facilities, personnel, funds, and other resources necessary to carry out the plan.

Section 106 would require that, not later than 90 days after the date of enactment, the Secretary submit to the Congressional Committees on Veterans' Affairs a report on the plan described in section 105. The report would be required to include (a) a description of the plan; (b) a description of the resources necessary to increase treatment availability for PTSD and enhance outreach; (c) a description of VA's efforts to make such resources available; (d) an estimate of the availability of community-based residential treatment for PTSD and the impact of such availability on the increased availability of such treatment by VA; (e) an assessment of the need for, and potential benefit of, providing scholarships or other educational assistance to improve the training of individuals providing PTSD treatment; (f) recommendations to improve the availability of PTSD treatment; (g) a description of the efforts by the Secretary to implement the recommendations of the Special Committee on PTSD with respect to (1) establishing educational programming directed to each of the various levels of education, training, and experience of the various mental health professionals involved in the treatment of veterans suffering from PSTD, and (2) giving PTSD-related research a priority in VA mental-health research funding; and (h) any other proposals and recommendations that the Secretary considers appropriate to increase the availability of PTSD treatment.

House amendment

Section 110 would (a) require the Secretary, in consultation with the Chief Medical Director's Special Committee on PTSD, to assess the need for treatment and rehabilitative services for veterans with PTSD and develop a plan for delivery of PTSD treatment and rehabilitation based on (a) the Secretary's estimate of the numbers of veterans who suffer from PTSD who are likely to seek care from VA and are entitled by law to such care; (b) the current and projected capacity to provide services; and (c) the Secretary's evaluation of existing programs.

Section 110(c) would require that, not later than August 30, 1993, the Secretary submit to the Congressional Committees on Veterans' Affairs a report on the needs assessment and plan as described in section 110(a) and (b).

Conference agreement

Section 123 requires the Secretary to (a) develop a plan to (1) ensure to the maximum extent practicable that veterans suffering from PTSD related to active duty are provided appropriate treatment and rehabilitative services for that condition in a timely manner, (2) expand and improve the services available for veterans suffering from PTSD related to active duty, (3) eliminate waiting lists for inpatient and other modes of treatment for PTSD, (4) enhance outreach activities to inform combat-area veterans of the availability of treatment for PTSD, and (5) ensure, to the extent practicable, that there are Department PTSD units in locations readily accessible to veterans residing in rural areas of the United States. The Secretary would also be required to consider, in developing the plan described above, (1) the numbers of veterans suffering from PTSD related to active duty, as indicated by relevant studies, scientific and clinical reports, and other pertinent information, (2) the numbers of veterans who would likely seek PTSD treatment from the Department if waiting times for treatment were eliminated and outreach activities to combat-area veterans with PTSD were enhanced, (3) current and projected capacity to provide appropriate treatment and rehabilitative services for PTSD, (4) the level and geographic accessibility of inpatient and outpatient care for veterans suffering from PTSD across the United States, (5) the desirability of providing inpatient and outpatient PTSD care in Department facilities that are physically independent of general psychiatric wards at the Department's medical facilities, (6) the treatment needs of such veterans who are women, of such veterans who are ethnic minorities (including Native Americans, Native Hawaiians, Asian-Pacific Islanders, and Native Alaskans) and of such veterans who suffer from substance abuse problems in addition to PTSD, and (7) the recommendations of the Special Committee on PTSD with respect to specialized inpatient and outpatient programs of the Department for the treatment of PTSD and the establishment of educational programming that is directed to each of the various levels of education, training, and experience of the various mental health professionals involved in the treatment of veterans suffering from PTSD. The Secretary would be required to submit to the Congressional Committees on Veterans' Affairs and report on the plan as described above not later than six months from the date of enactment.

TITLE II—HEALTH-CARE PERSONNEL

CAP ON CERTAIN RATES OF PAY

Current law

Section 7455 of title 38 (a) authorizes the Secretary to increase the minimum, intermediate, or maximum rates of basic pay for certain health-care personnel and VHA police officers on a nationwide, local, or other geographic basis; (b) requires that increases in rates of basic pay pursuant to this authority be made only in order to (1) provide salaries competitive with, but not in excess of, salaries paid to the same category of personnel at non-Federal facilities in a VA facility's local labor market, (2) achieve adequate staffing at particular facilities, or (3) recruit personnel with specialized skills; and (c) provides that (1) the amount of any increase

under this authority in the maximum rate of basic pay for any grade may not exceed (except in the case of nurse anesthetists and licensed physical therapists) the amount by which the maximum for that grade exceeds the minimum rate of pay for that grade, and (2) the maximum rate as so increased may not exceed the rate paid for individuals serving in the position of Assistant Chief Medical Director.

Senate bill

Section 222 would amend subsection (c) of section 7455 so as to (a) authorize the Secretary to increase the maximum rate under the special rates authority for any grade to two times the difference between the minimum and maximum rate of pay for that grade and (b) require the Secretary to notify the two Committees on Veterans' Affairs whenever an increased rate is equal to or greater than 94 percent of the maximum rate authorized.

House amendment

Section 201 contains the same provision.

Conference agreement

Section 201 contains this provision.

MINIMUM PERIOD OF SERVICE FOR SCHOLARSHIP RECIPIENTS

Current law

Section 7612 of title 38 sets forth criteria for participation in the Health Professional Scholarship Program, established pursuant to section 7611 of title 38, which include a requirement that an agreement between the Secretary and a scholarship recipient include (a) the Secretary's agreement to provide the recipient with a scholarship for a specified number (from one to four) of school years, and (b) the recipient's agreement to serve as a full-time VA employee for one calendar year for each school year or part thereof for which the recipient participated in the scholarship program.

Senate bill

No provision.

House amendment

Section 202 would amend section 7612(c)(1)(B) so as to require participants who enter into scholarship agreements after the date of enactment to serve as full-time employees in VHA for a minimum of two years.

Conference agreement

Section 202 follows the House provision.

AUTHORITY TO PURCHASE ITEMS OF NOMINAL VALUE FOR RECRUITMENT PURPOSES

Current law

Under current law, VA has no specific authority to purchase promotional items of nominal value for use in the recruitment of individuals for employment.

Senate bill

No provision.

House amendment

Section 203 would (a) authorize the Secretary to purchase promotional items of nominal value for use in the recruitment of individuals for employment in VA healthcare positions, and (b) require the Secretary to prescribe guidelines for the administration of the procurement and use of such items.

Conference agreement

Section 203 follows the House provision.

SPECIAL PAY FOR CERTAIN PHYSICIANS AND DENTISTS BASED ON BOARD CERTIFICATION

Current law

Section 7437(e) of title 38 requires (a) that, in the case of a physician or dentist who was employed in the Veterans Health Administration (VHA) on a full-time basis on July 13, 1991, the day before the effective date of the Department of Veterans Affairs Physician and Dentist Recruitment and Retention Act of 1991, title I of Public Law 102-40, and on that date was being paid only for the special-pay factors of primary, full-time, and length of service, that physician or dentist shall continue to be paid special pay at a rate not less than the rate of special pay paid to him or her on that date; and (b) that a physician or dentist who was employed in VHA on a part-time basis on July 13, 1992, and on that date was being paid only for the special-pay factors of primary and length of service shall continue to be paid special pay at a rate not less than the rate paid to the physician or dentist on that date.

Senate bill

Section 225 would amend section 7437(e) to require that a physician or dentist who was employed in VHA on July 13, 1991, and who was being paid special pay for no special pay factors other than primary, full-time, length of service, or specialty or board certification shall continue to be paid special pay at an annual rate no lower than the rate at which the physician or dentist was paid on that date.

House amendment

No provision.

Conference agreement

Section 204 follows the Senate provision.

AUTHORITY TO APPOINT NON-PHYSICIAN DIRECTORS TO THE OFFICE OF THE UNDER SECRETARY FOR HEALTH

Current law

Section 7306(a) of title 38 authorizes the Secretary to appoint individuals to positions in the Office of the Under Secretary for Health and, pursuant to section 7404 of title 38, pay such individuals under the title 38 authority.

Senate bill

Section 226 would amend section 7306(a) to authorize the Secretary to appoint all nonphysician directors of clinical support services within VHA under the title 38 personnel appointment authority.

House amendment

Section 204 contains the same provision.

Conference agreement

Section 205 contains this provision.

EXPANSION OF DIRECTOR GRADE OF THE PHYSICIAN AND DENTIST PAY SCHEDULE

Current law

Section 7404(b) of title 38 (a) establishes pay schedules for physicians and dentists, registered nurses, and clinical podiatrists and optometrists employed by the Veterans Health Administration; (b) limits the use of the director grade of the physician and dentist schedule to physicians and dentists serving as directors of hospitals, domiciliaries, centers, or independent outpatient clinics; and (c) limits the use of the executive grade of the physician and dentist schedule to physicians and dentists serving as chiefs of staff at a hospital, or independent outpatient clinic, or in a comparable position.

Senate bill

Section 227 would amend section 7404(b)(2) to authorize the use of the director grade of the physician and dentist pay schedule for a physician or dentist serving in a position comparable to that of a director of a hospital, domiciliary, center, or independent outpatient clinic.

House amendment

Section 205 contains the same provision.

Conference agreement

Section 206 contains this provision.

AUTHORIZATION REQUIREMENT FOR CONSTRUCTION OF NEW MEDICAL FACILITIES

Current law

Section 8104(a)(2) of title 38 provides that it is not in order in the Senate or in the House to consider a bill, resolution, or amendment that would make an appropriation for any fiscal year for a major medical facility project or a major medical facility lease unless (a) the bill, resolution, or amendment specifies the amount to be appropriated for that project or lease, (b) the project or lease has been approved in a resolution adopted by the Committee on Veterans' Affairs of that House, and (c) the amount to be appropriated for that project or lease is no more than the amount specified in that resolution for that project or lease for that fiscal year. Section 8104(a)(3) defines a "major medical facility project" as a project for the construction, alteration, or acquisition of a medical facility involving a total expenditure of more than $2 million and a "major medical facility lease" as a lease for space for use as a medical facility at an average annual rental of more than $500,000.

Senate bill

No provision.

House amendment

Section 301 would amend section 8104(a) to provide, with respect to projects as to which no funds have been appropriated before the date of enactment, that (a) no funds may be appropriated for any fiscal year, and the Secretary of Veterans Affairs may not obligate or expend funds (other than for advance planning and design), for any major medical project or any major medical facility lease unless funds for that project or lease have been specifically authorized by law; (b) a "major medical facility lease" is a lease of space for use as a new medical facility; and (c) a covered lease is one with an average annual rent of more than $300,000.

Conference agreement

Section 301 follows the House provision.

REDESIGNATION OF CERTAIN POSITIONS WITHIN THE DEPARTMENT OF VETERANS AFFAIRS

Current law

Sections 305 and 306 of title 38 designate the heads of the Veterans Health Administration and the Veterans Benefits Administration of the Department of Veterans Affairs as the Chief Medical Director and Chief Benefits Director, respectively.

Senate bill

No provision.

House amendment

Section 302 would redesignate the positions of Chief Medical Director and Chief Benefits Director as the Under Secretary for Health and the Under Secretary for Benefits, respectively.

Conference agreement

Section 302 follows the House provision.

CLARIFICATION OF PROHIBITION ON PAYMENT OF ATTORNEYS' FEES

Current law

Section 5904(c)(1) of title 38 provides that, in connection with a proceeding before VA with respect to benefits under laws administered by VA, a fee may not be charged, allowed, or paid for services of agents or attorneys with respect to services provided before

the date on which the Board of Veterans' Appeals first makes a final decision in the case.

Senate bill

Section 401 would amend section 5904(c) to clarify that the prohibition against the payment of attorneys' fees for representation in a proceeding before VA relating to VA benefits does not apply in the case of a veteran or other person involved with an administrative debt-collection proceeding brought by VA or in other situations in which no claim for benefits is involved.

House amendment

No provision.

Conference agreement

Section 303 follows the Senate bill with an amendment containing the language of section 2 of H.R. 939, as passed by the House on March 3, 1992, to permit attorneys to represent veterans and charge a reasonable fee only in connection with any waiver or debt collection proceeding before the Department in a case arising out of a loan made, guaranteed, or insured under chapter 73 of title 38.

CHANGES IN EXISTING LAW MADE BY THE CONFERENCE AGREEMENT ON S. 2344

Changes in existing law made by the conference agreement are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

TITLE 5—UNITED STATES CODE

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PART III—EMPLOYEES

* * * * *

Subpart D—Pay and Allowances

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CHAPTER 53—PAY RATES AND SYSTEMS

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SUBCHAPTER II—EXECUTIVE SCHEDULE PAY RATES

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§ 5314. Positions at level III

Level III of the Executive Schedule applies to the following positions, for which the annual rate of basic pay shall be the rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title:

* * * * *

[Chief Medical Director, Department of Veterans Affairs.

Chief Benefits Director, Department of Veterans Affairs.**]**

Under Secretary for Health, Department of Veterans Affairs.

Under Secretary for Benefits, Department of Veterans Affairs.

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TITLE 38—UNITED STATES CODE

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PART I—GENERAL PROVISIONS

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CHAPTER 5—AUTHORITY AND DUTIES OF THE SECRETARY

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SUBCHAPTER III—ADVISORY COMMITTEES

541. Advisory Committee on Former Prisoners of War.

542. Advisory Committee on Women Veterans.

543. Advisory Committee on Prosthetics and Special-Disabilities Programs.

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SUBCHAPTER III—ADVISORY COMMITTEES

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§543. Advisory Committee on Prosthetics and Special-Disabilities Programs

(a) There is in the Department an advisory committee known as the Advisory Committee on Prosthetics and Special-Disabilities Programs (hereinafter in this section referred to as the "Committee").

(b) The objectives and scope of activities of the Committee shall relate to—

(1) prosthetics and special-disabilities programs administered by the Secretary;

(2) the coordination of programs of the Department for the development and testing of, and for information exchange regarding, prosthetic devices;

(3) the coordination of Department and non-Department programs that involve the development and testing of prosthetic devices; and

(4) the adequacy of funding for the prosthetics and special-disabilities programs of the Department.

(c) The Secretary shall, on a regular basis, consult with and seek the advice of the Committee on the matters described in subsection (b).

(d) Not later than January 15 of 1993, 1994, and 1995, the Committee shall submit to the Secretary and the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the effectiveness of the prosthetics and special-disabilities programs administered by the Secretary during the preceding fiscal year. Not more than 60 days after the date on which any such report is received by the Secretary, the Secretary shall submit a report to such committees commenting on the report of the Committee.

(e) As used in this section, the term "special-disabilities programs" includes all programs administered by the Secretary for—

(1) spinal-cord-injured veterans;

(2) blind veterans;

(3) veterans who have lost or lost the use of extremities;

(4) hearing-impaired veterans; and

(5) other veterans with serious incapacities in terms of daily life functions.

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PART II—GENERAL BENEFITS

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CHAPTER 17—HOSPITAL, NURSING HOME, DOMICILIARY, AND MEDICAL CARE

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SUBCHAPTER II—HOSPITAL, NURSING HOME OR DOMICILIARY CARE AND MEDICAL TREATMENT

* * * * *

§ 1717. Home health services; invalid lifts and other devices

(A)(1) * * *

(2) Improvements and structural alterations may be furnished as part of such home health services only as necessary to assure the continuation of treatment for the veteran's disability or to provide access to the home or to essential lavatory and sanitary facilities. The cost of such improvements and structural alterations (or the amount of reimbursement therefor) under this subsection may not exceed—

(A) **[**$2,500**]** *$4,100* in the case of medical services furnished under paragraph (1) of section 1712(a) of this title; or

(B) **[**$600**]** *$1,200* in the case of medical services furnished under any other provision of section 1712 of this title.

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PART IV—GENERAL ADMINISTRATIVE PROVISIONS

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CHAPTER 59—AGENTS AND ATTORNEYS

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§ 5904. Recognition of agents and attorneys generally

(a) * * *

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(c)(1) **[**In**]** *Except as provided in paragraph (3), in* connection with a proceeding before the Department with respect to benefits under laws administered by the Secretary, a fee may not be charged, allowed, or paid for services of agents and attorneys with respect to services provided before the date on which the Board of Veterans' Appeals first makes a final decision in the case. Such a fee may be charged, allowed, or paid in the case of services provided after such date only if an agent or attorney is retained with respect to such case before the end of the one-year period beginning on that date. The limitation in the preceding sentence does not apply to services provided with respect to proceedings before a court.

* * * * *

(3) A reasonable fee may be charged or paid in connection with any proceeding before the Department in a case arising out of a loan made, guaranteed, or insured under chapter 37 of this title. A person who charges a fee under this paragraph shall enter into a written agreement with the person represented and shall file a copy of the fee agreement with the Secretary at such time, and in such manner, as may be specified by the Secretary.

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PART V—BOARDS, ADMINISTRATIONS, AND SERVICES

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CHAPTER 73—VETERANS HEALTH ADMINISTRATION—ORGANIZATION AND FUNCTIONS

* * * * *

SUBCHAPTER I—ORGANIZATION

§ 7301. Functions of Veterans Health Administration: in general

(a) There is in the Department of Veterans Affairs a Veterans Health Administration. The **[**Chief Medical Director**]** *Under Secretary for Health* is the head of the Administration. *The Under Secretary for Health may be referred to as the Chief Medical Director.*

* * * * *

§ 7306. Office of the Chief Medical Director

(a) * * *

(1) * * *

* * * * *

(7) Such directors of such other professional or auxiliary services as may be appointed to suit the needs of the Department, who shall be responsible to the Under Secretary for Health for the operation of their respective services.

[7**]** *(8)* Such other personnel as may be authorized by this chapter.

* * * * *

SUBCHAPTER II—GENERAL AUTHORITY AND ADMINISTRATION

* * * * *

§ 7315. Geriatrics and Gerontology Advisory Committee

(a) * * *

* * * * *

(c)(1) * * *

* * * * *

[(2) Not later than 90 days after receipt of a report submitted under paragraph (1), the

Secretary shall transmit the report, together with the Secretary's comments and recommendations thereon, to the appropriate committees of the Congress.]

(2) Whenever the Committee submits a report to the Secretary under paragraph (1), the Committee shall at the same time transmit a copy of the report in the same form to the appropriate committees of Congress. Not later than 90 days after receipt of a report under that paragraph, the Secretary shall submit to the appropriate committees of Congress a report containing any comments and recommendations of the Secretary with respect to the report of the Committee.

* * * * *

CHAPTER 74—VETERNS HEALTH ADMINISTRATION—PERSONNEL

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SUBCHAPTER I—APPOINTMENTS

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§ 7404. Grades and pay scales

(a) * * *

(b)(1) * * *

(2) A person may not hold the director grade in the Physician and Dentist Schedule unless the person is serving as a director of a hospital, domiciliary, center, or outpatient clinic [(independent).] *(independent), or comparable position.* A person may not hold the executive grade in that Schedule unless the person holds the position of chief of staff at a hospital, center, or outpatient clinic (independent), or comparable position.

* * * * *

SUBCHAPTER II—COLLECTIVE BARGAINING AND PERSONNEL ADMINISTRATION

* * * * *

§ 7423. Personnel administration: full-time employees

(a) * * *

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(f) The Secretary may purchase promotional items of nominal value for use in the recruitment of individuals for employment under this chapter. The Secretary shall prescribe guidelines for the administration of the preceding sentence.

* * * * *

SUBCHAPTER III—SPECIAL PAY FOR PHYSICIANS AND DENTISTS

* * * * *

§ 7437. Special pay: general provisions

(a) * * *

* * * * *

(e)(1) A physician or dentist shall be paid special pay under this subchapter at a rate not less than the rate of special pay the physician or dentist was paid under section 4118 of this title as of the day before the effective date of this subchapter if the physician or dentist—

(A) is employed on a full-time basis in the Veterans Health Administration;

(B) was employed as a physician or dentist on a full-time basis in the Administration on the day before such effective date; and

(C) on such effective date was being paid [only] for *no* [the] special-pay factors [of] *other than* primary, full-time, [and] length of [service.] *service, and specialty or board certification.*

(2) A physician or dentist shall be paid special pay under this subchapter at a rate not less than the rate of special pay the physician or dentist was paid under section 4118 of this title as of the day before the effective date of this subchapter if the physician or dentist—

(A) is employed on a part-time basis in the Veterans Health Administration;

(B) was employed as a physician or dentist on a part-time basis in the Administration on the day before such effective date; and

(C) on such effective date was being paid [only] for *no* [the] special-pay factors [of primary and] *other than primary, full-time,* length of [service.] *service, and specialty or board certification.*

SUBCHAPTER IV—PAY FOR NURSES AND OTHER HEALTH-CARE PERSONNEL

* * * * *

§ 7455. Increases in rates of basic pay

(a)(1) * * *

* * * * *

(c)*(1)* The amount of any increase under subsection (a) in the maximum rate for any grade may not (except in the case of nurse anesthetists and licensed physical therapists) exceed *by two times* the amount by which the maximum for such grade (under applicable provisions of law other than this subsection) exceeds the minimum for such grade (under applicable provisions of law other than this subsection), and the maximum rate as so increased may not exceed the rate paid for individuals serving as Assistant Chief Medical Director.

(2) Whenever the amount of an increase under subsection (a) results in a rate of basic pay for a position being equal to or greater than the amount that is 94 percent of the maximum amount permitted under paragraph (1), the Secretary shall promptly notify the Committees on Veterans' Affairs of the Senate and House of Representatives of the increase and the amount thereof.

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CHAPTER 76—HEALTH PROFESSIONALS EDUCATIONAL ASSISTANCE PROGRAM

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SUBCHAPTER II—SCHOLARSHIP PROGRAM

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§ 7612. Eligibility; application; agreement

(a)(1) * * *

* * * * *

(c)(1) An agreement between the Secretary and a participant in the Scholarship Program shall (in addition to the requirements set forth in section 7604 of this title) include the following:

(A) The Secretary's agreement to provide the participant with a scholarship under this subchapter for a specified number (from one to four) of school years during which the participant is pursuing a course of education or training described in section 7602 of this title.

(B) The participant's agreement to serve as a full-time employee in the Department of Medicine and Surgery for a period of time (hereinafter in this subchapter referred to as the "period of obligated service") of one calendar year for each school year or part thereof for which the participant was provided a scholarship under the Scholarship [Program.] *Program, but for not less than two years.*

* * * * *

CHAPTER 77—VETERANS BENEFITS ADMINISTRATION

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SUBCHAPTER I—ORGANIZATION; GENERAL

§ 7701. Organization of the Administration

(a) * * *

(b) The Veterans Benefits Administration is under the [Chief Benefits Director,] *Under Secretary for Benefits* who is directly responsible to the Secretary for the operations of the Administration. *The Under Secretary for Benefits may be referred to as the Chief Benefits Director.*

* * * * *

PART VI—ACQUISITION AND DISPOSITION OF PROPERTY

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CHAPTER 81—ACQUISITION AND OPERATION OF HOSPITAL AND DOMICILIARY FACILITIES; PROCUREMENT AND SUPPLY

* * * * *

SUBCHAPTER IV—SHARING OF MEDICAL FACILITIES, EQUIPMENT, AND INFORMATION

8151. Statement of congressional purposes.
8152. Definitions.
8153. Specialized medical resources.
8154. Exchange of medical information.
8155. Pilot programs; grants to medical schools.
8156. Coordination with health services development activities carried out under the National Health Planning and Resources Development Act of 1974.
8157. Joint title to medical equipment.
8158. Deposit in escrow.

* * * * *

SUBCHAPTER I—ACQUISITION AND OPERATION OF MEDICAL FACILITIES

* * * * *

§ 8104. Congressional approval of certain medical facility acquisitions

(a)(1) * * *

[(2) It shall not be in order in the Senate or in the House of Representatives to consider a bill, resolution, or amendment which would make an appropriation for any fiscal year which may be expended for a major medical facility project or a major medical facility lease unless—

[(A) such bill, resolution, or amendment specifies the amount to be appropriated for that project or lease,

[(B) the project or lease has been approved in a resolution adopted by the Committee on Veterans' Affairs of that House, and

[(C) the amount to be appropriated for that project or lease is no more than the amount specified in that resolution for that project or lease for that fiscal year.]

(2) No funds may be appropriated for any fiscal year, and the Secretary may not obligate or expend funds (other than for advance planning and design), for any major medical facility project or any major medical facility lease unless funds for that project or lease have been specifically authorized by law.

(3) For the purpose of this subsection:

(A) The term "major medical facility project" means a project for the construction, alteration, or acquisition of a medical facility involving a total expenditure of more than $2,000,000, but such term does not include an acquisition by exchange.

(B) The term "major medical facility lease" means a lease for space for use as a *new* medical facility at an average annual rental of more than [$500,000.] *$300,000.*

* * * * *

(c) Not less than 30 days before obligating funds for a major medical facility project approved by a [resolution] *law* described in subsection (a)(2) of this section in an amount that would cause the total amount obligated for that project to exceed the amount speci-

fied in the [resolution] *law* for that project (or would add to total obligations exceeding such specified amount) by more than 10 percent, the Secretary shall provide the committees with notice of the Secretary's intention to do so and the reasons for the specified amount being exceeded.

* * * * *

SUBCHAPTER IV—SHARING OF MEDICAL FACILITIES, EQUIPMENT, AND INFORMATION

* * * * *

§8157. Joint title to medical equipment

(a) Subject to subsection (b), the Secretary may enter into agreements with institutions described in section 8153(a) of this title for the joint acquisition of medical equipment.

(b)(1) The Secretary may not pay more than one-half of the purchase price of equipment acquired through an agreement under subsection (a).

(2) Any equipment to be procured under such an agreement shall be procured by the Secretary. Title to such equipment shall be held jointly by the United States and the institution.

(3) Before equipment acquired under such an agreement may be used, the parties to the agreement shall arrange by contract under section 8153 of this title for the exchange or use of the equipment.

(4) The Secretary may not contract for the acquisition of medical equipment to be purchased jointly under an agreement under subsection (a) until the institution which enters into the agreement provides to the Secretary its share of the purchase price of the medical equipment.

(c)(1) Notwithstanding any other provision of law, the Secretary may transfer the interest of the Department in equipment acquired through an agreement under subsection (a) to the institution which holds joint title to the equipment if the Secretary determines that the transfer would be justified by compelling clinical considerations or the economic interest of the Department. Any such transfer may only be made upon agreement by the institution to pay to the Department the amount equal to one-half of the depreciated purchase price of the equipment. Any such payment when received shall be credited to the applicable Department medical appropriation.

(2) Notwithstanding any other provision of law, the Secretary may acquire the interest of an institution in equipment acquired under subsection (a) if the Secretary determines that the acquisition would be justified by compelling clinical considerations or the economic interests of the Department. The Secretary may not pay more than one-half the depreciated purchase price of that equipment.

§8158. Deposit in escrow

(a) To facilitate the procurement of medical equipment pursuant to section 8157 of this title, the Secretary may enter into escrow agreements with institutions described in section 8153(a) of this title. Any such agreement shall provide that—

(1) the institutions shall pay to the Secretary the funds necessary to make a payment under section 8157(b)(4) of this title;

(2) the Secretary, as escrow agent, shall administer those funds in an escrow account; and

(3) the Secretary shall disburse the escrowed funds to pay for such equipment upon its delivery or in accordance with the contract to procure the equipment and shall disburse all accrued interest or other earnings on the escrowed funds to the institution.

(b) As escrow agent for funds placed in escrow pursuant to an agreement under subsection (a), the Secretary may—

(1) invest the escrowed funds in obligations of the Federal Government or obligations which are insured or guaranteed by the Federal Government;

(2) retain in the escrow account interest or other earnings on such investments;

(3) disburse the funds pursuant to the escrow agreement; and

(4) return undisbursed funds to the institution.

(c)(1) If the Secretary enters into an escrow agreement under this section, the Secretary may enter into an agreement to procure medical equipment if one-half the purchase price of the equipment is available in an appropriation or fund for the expenditure or obligation.

(2) Funds held in an escrow account under this section shall not be considered to be public funds.

VETERANS' BENEFITS AND SERVICES ACT OF 1988

(Public Law 100-322 as amended by §201(c) of Public Law 101-237, May 20, 1988)

* * * * *

TITLE I—HEALTH-CARE PROGRAMS

* * * * *

PART B—PILOT PROGRAMS AND REPORTS

* * * * *

SEC. 115. PILOT PROGRAM OF COMMUNITY-BASED RESIDENTIAL CARE FOR HOMELESS CHRONICALLY MENTALLY ILL AND OTHER VETERANS.

(a) * * *

* * * * *

(d) DURATION OF PROGRAM.—The authority for the pilot program authorized by this section expires on September 30, [1992.] *1994.*

* * * * *

STEWART B. McKINNEY HOMELESS ASSISTANCE AMENDMENTS ACT OF 1988

(Public Law 100-628, November 7, 1988)

* * * * *

TITLE VIII—VETERANS PROGRAMS

SEC. 801. MEDICAL PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated to the [Veterans' Administration for each of fiscal years 1989 and 1990, in addition to any funds appropriated pursuant to any other authorization (whether definite or indefinite) of appropriations for those fiscal years, the sum of $30,000,000 for the medical care of veterans by the Veterans' Administration.] *Department of Veterans Affairs $50,000,000 for fiscal year 1993 for medical care of veterans. Funds appropriated pursuant to this section shall be in addition to any funds appropriated pursuant to any other authorizations (whether definite or indefinite) for medical care of veterans.*

(b) DOMICILIARY CARE.—[Of the amount] *The amounts* appropriated pursuant to subsection [(a), 50 percent] *(a)* shall be available for—

(1) converting to use for domiciliary care beds the underused space located in facilities under the jurisdiction of the Administrator of Veterans' Affairs in urban areas in which there are significant numbers of homeless veterans; and

(2) furnishing domiciliary care in such beds to eligible veterans (primarily homeless veterans) who are in need of such care.

(c) CHRONICALLY MENTALLY ILL HOMELESS VETERANS.—[Of the amount] *The amounts* appropriated pursuant to subsection [(a), 50 percent] *(a)* shall be available for furnishing care and treatment and rehabilitative services under section 115 of the Veterans Benefits and Services Act of 1988. (Public Law 100-322; 102 Stat. 501) to homeless veterans who have a chronic mental illness disability. Not more than $500,000 of the amount available under the preceding sentence shall be used for the purpose of monitoring the furnishing of such care and services and, in furtherance of such purpose, maintaining in the Veterans' Administration the equivalent of 10 full-time employees.

* * * * *

G.V. MONTGOMERY,
DON EDWARDS,
J. ROY ROWLAND,
BOB STUMP,
JOHN PAUL HAMMERSCHMIDT,
Managers on the Part of the House.

ALAN CRANSTON,
JOHN D. ROCKEFELLER,
ARLEN SPECTER,
Managers on the Part of the Senate.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4542

Mr. SUNDQUIST. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 4542.

The SPEAKER pro tempore (Mr. LUKEN). Is there objection to the request of the gentleman from Tennessee?

There was no objection.

CONFERENCE REPORT ON S. 12, CABLE TELEVISION CONSUMER PROTECTION AND COMPETITION ACT OF 1992

Mr. MARKEY. Mr. Speaker, pursuant to House Resolution 571, I call up the conference report on the Senate bill (S. 12) to amend title VI of the Communications Act of 1934 to ensure carriage on cable television of local news and other programming and to restore the right of local regulatory authorities to regulate cable television rate, and for other purposes.

The Clerk read the title of the bill.

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

(For conference report and statement, see proceedings of the House of Monday, September 14, 1992, at page 24598.)

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MARKEY] will be recognized for 30 minutes, and the gentleman from New York [Mr. LENT] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. MARKEY].

□ 1010

Mr. MARKEY. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, the cable industry is a monopoly. That is why we are here today. It has absolutely no competition

across this country. As a result, Mr. Speaker, consumers are left to the mercy of the cable industry, which has resulted in a three times the rate of inflation increase in their rates every year for the last 8 years in a row. This bill puts an end to that.

The Consumer Federation of America, the American Association of Retired People, the AFL–CIO, argue that we will save $6 billion a year for consumers in this country, a $6 billion tax cut, for consumers across this country, that goes into the pockets of ordinary people, a $6 billion tax cut for ordinary people.

Mr. Speaker, the FCC says that if there was competition for the cable industry, that it would reduce rates by $5.3 billion. This bill gives real competition to the cable industry. As a result, it will reduce rates by $5.3 billion, even using the FCC's arguments.

The debate is really between whether it is going to be a $5 billion or a $6 billion benefit. The real argument is whether we are going to have a $5 billion or $6 billion benefit for the consumers of this country.

For the cable industry to be arguing now, at this late moment, with their crocodile tears that they are concerned about the consumers of this country, is to engage in the most disingenuous of arguments.

This is a very simple debate. A yes vote is for the consumer, a no vote is for the cable industry, make no bones about it. That is how the voters of this country are going to use this issue in November.

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

Mr. Speaker, I rise in strong opposition to the conference report to S. 12, the so-called Cable Television Consumer Protection and Competition Act. This is a truly misleading title for this legislation, because if there is anything this bill lacks it is consumer protection and competition. The saddest irony is that we had an opportunity to pass legislation that would have provided cable subscribers with some protection and would have increased competition in the cable industry.

But that opportunity has long since passed. Unfortunately, the bill before us today perpetrates a cruel hoax on the American people; it is a cable rate-raising measure masquerading as a cable subscriber cure all. Mark my words, if this bill is enacted, it will raise cable rates and subscribers will be screaming that the remedy is far worse than the disease. And they will know who to thank for this supposed gift.

Mr. Speaker, when we first considered legislation to examine an essentially deregulated cable industry 4 years ago, we focused narrowly on the key consumer concerns: rates and services. And we passed a bill in 1990 that addressed those problems. I would have hoped that bill would have been our starting point this year. But that was not to be.

Instead, we were told that things have changed—that is, the cable industry's record has been so dismal over the last 2 years that a more stringent and regulatory bill is appropriate. Never mind that no record was ever developed in the Energy and Commerce Committee to justify such a bill. Sadly, we have come to understand exactly what was meant by things have changed—politics.

In the Energy and Commerce Committee and on the House floor, I have previously urged my colleagues to support a moderate, responsible approach to the cable rates and service issues. But we have consistently seen the triumph of politics over substance. This leads me to the conclusion that I must oppose the cable legislation before us today.

Mr. Speaker, there has been a raging debate over whether this bill will save or cost cable customers money and how much. On that score, let me simply point out that the method of establishing cable subscribers rates under the bill is essentially a traditional cost plus formula. Thus, the cable operator will simply total up the costs of providing a basic tier of cable service, and pass these costs on with a reasonable profit.

The structure of the basic tier under this bill, the cable equipment compatibility requirements, and the excessive prescriptions and regulations in this bill—all add up to an expensive price tag. It has been estimated that the cost of reregulation could be up to about $3 billion annually. Assuming all of this cost is passed onto cable subscribers—which it would be under this bill—it could add over $50 annually to the cable bill of America's 55 million cable subscribers.

Even key proponents of the bill have publicly stated that this bill could very well end up raising, not lowering, customer rates. On behalf of the thousands of cable subscribers who have contacted Congress to express concern about this bill, let me say the following: Thanks, but no thanks.

This bill microregulates the cable industry. As a colleague and good friend recently observed, we regulate just about everything but where the subscriber places the television set in the home. And to what end? Not to help consumers, that's for certain. Onerous regulation will lead to a very natural reaction from the industry: less cable programming, fewer cable packaging options, and less investment in equipment upgrades to provide new cable services. In sum, less consumer choice.

What will this legislation mean for one of the crown jewel industries in this country? One that invests over $3.5 billion annually in new programming and directly and indirectly employs nearly one-half million people? Suffice it to say, this bill is not good news—jobs will both not be created and will be lost at home, and our trade balance will also be harmed. The cable industry has consistently provided a net trade surplus, but we are placing this in jeopardy as well.

The bill that emerged from the House-Senate cable conference has adopted some of the most onerous and regulatory features of both bills. Consequently, we are today considering a conference report that demonstrably and unavoidably will raise cable subscriber rates and diminish future consumer choice.

I mentioned earlier the irony of the word "competition" in the title of the bill. We had an opportunity to create meaningful competition to cable in rural communities covering a significant portion of this country. The Senate bill included a provision to allow telephone companies to provide cable in communities up to 10,000 people. But that provision, probably the most procompetitive feature of the cable legislation, was unceremoniously dropped in the conference. So much for any real competition in this bill.

For all these reasons, I urge my colleagues to adopt the only responsible course of action available, and reject this conference report and the threat it poses of higher cable rates.

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

Mr. MARKEY. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma [Mr. SYNAR].

Mr. SYNAR. Mr. Speaker, I rise today in support of the conference report on S. 12, the Cable Television Consumer Protection and Competition Act of 1992. It is my view that the root of the complaints about cable rates and cable service is the consumer's lack of competitive alternatives to cable television. I support this conference report because it promotes competition in the cable industry, especially in the key area of providing fair access to television programming.

The conference report stops cable operators from denying competitors unfettered access to the full range of cable programming. This is critical in a rural district like my own where many of my constituents rely on satellite dishes for their television programming. Right now some cable programmers refuse to even sell programming to home satellite dish distributors and those that do charge the distributors an average of 500-percent more than they charge cable operators for the exact same programming. Cable programmers get away with this because they have no real competition. But when this bill goes through, the people in my district will have better cable television because cable operators won't be allowed to restrain their competition from providing the programming consumers want.

The major change from the House-passed bill is the conference report's inclusion of retransmission-consent provisions. These provisions trouble me because they conflict with my notions of intellectual property rights. However, the bill provides a 1-year phase-in period for retransmission consent during which time Congress can revisit the issue.

I urge my colleagues to adopt the conference report and promote real competition in the cable industry.

Mr. LENT. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. RINALDO], the distinguished ranking member of the Subcommittee on Telecommunications and Finance of the Committee on Energy and Commerce.

Mr. RINALDO. Mr. Speaker, the conference report before the House of Representatives this morning is the culmination of literally years of work by Members of the House and Senate.

I want to note the work of the subcommittee chairman, Representative ED MARKEY, on this legislation. He and I first put together a cable bill over 2 years ago, and we were able to gain strong, bipartisan support for that bill. In the last few months, we have disagreed on several issues, but throughout the process he has been fair, he has been committed to helping consumers, and in the view of this Member he has distinguished himself and done credit not only to the Energy and Commerce Committee but to this Chamber.

The task before the committee was not easy.

We enacted the Cable Communications Policy Act in 1984, and rates were deregulated in 1986.

Since then, the Telecommunications Subcommittee has carefully examined the cable industry, the complaints of customers, the recommendations of consumer groups and competitors to cable, and we have compiled an extensive record on both the failures and the successes in the industry.

That record provides clear evidence that there have been numerous instances of abusively high rates and poor customer service.

After 1986, some cable operators took advantage of deregulation to raise rates above what was justified.

Unfortunately, in far too many instances, cable TV customers had no other cable company to turn to. It was all or nothing with the only franchise in town.

What we really need is additional competition, and the way to do it would be to allow Telco entry into cable.

At the same time, far too many cable operators were not ready for the number of homes who signed up.

Customer service was woefully poor in many areas. And it was far below the minimum level that rising cable prices demanded.

There have also been repeated complaints from other industries—including DBS, MMDS, TVRO and others—that the cable industry was refusing to provide programming to potential competitors.

On the one hand, cable operators were given freedom from price regulation, and on the other hand they were stifling any potential competition by locking up programming.

Nearly 3 years ago, I laid out a challenge to leaders of the cable industry. I told them the facts of life in Congress, and I said that if they were unwilling to clean up problems in their industry, Congress would do it for them.

I laid out a six-point plan for customer service, which included a restraint on rises in cable TV rates, hiring more customer service representatives, adding additional telephone lines if necessary. In short, I told them to do the job they should have been doing all along.

Not long after that, Chairman DINGELL, Chairman MARKEY, Congressman LENT, and I put together a responsible piece of legislation. It had broad, bipartisan support and it passed the House of Representatives overwhelmingly 2 years ago.

Today, just as 2 years ago, we were guided by one simple principle:

Deregulation was not an unqualified failure. In fact, it brought tremendous success to the cable TV industry.

Approximately 90 percent of American homes now have access to cable TV, and more than 60 percent now subscribe.

In many areas throughout the country, cable customers have access not just to dozens but to scores of cable channels.

C-SPAN and CNN have literally changed the way Americans receive information about politics, government, and local, national, and international events.

The goal of the committee was not to undermine that success. It was to build upon it. In essence, we had three goals:

First, we wanted to address the primary concerns of consumers—rates and service.

Second, we wanted to reinstate the must carry rules in a fair manner that would pass constitutional muster.

Third, we wanted to inject a greater degree of competition to the industry.

My goal, and the goal of my colleagues, has not been to bash the cable industry. It has been to stimulate competition, to hold down excessive rate increases and to improve service for cable TV consumers.

The conference report now under consideration accomplishes those goals, but it is also true, as its critics point out, that it does more.

The language in this legislation on access to programming is much stronger than approved by the House 2 years ago.

The provisions on rate regulation are much more extensive than the bipartisan bill of 2 years ago.

The open basic tier included in the legislation is far different from the Markey-Rinaldo bill of the last Congress.

In fact, this conference report embodies a whole host of recommendations that were approved by the Senate in January that I view as objectionable and not in the best interest of the consumer.

We tried to deal with these issues in conference, and in fact we were rejected several controversial proposals.

We did not include language blacking out baseball games on superstations when those same games are broadcast on superstations.

We moderated the buy-through provisions to lessen the impact of the bill.

We eliminated mandatory carriage of superstations on the basic tier.

We removed the foreign ownership restrictions.

Mr. Speaker, this is not a perfect bill.

This is not the legislation I would prefer. I have underscored my concerns and objections to my colleagues, and I have worked as hard as possible to have the legislation reflect those concerns.

But this is the final vote: This is the last chance in this Congress to address excesses in the cable industry.

While I still have serious concerns about the measure, I believe that on balance it does deal with demonstrated problems in the industry, and I intend to vote in favor of the conference report.

□ 1020

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentleman from Washington [Mr. SWIFT].

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

Mr. SWIFT. Mr. Speaker, consumers have endured increasingly high cable rates and increasingly bad cable service ever since cable was deregulated in 1984. This bill will do something about it.

But there are those who say that this bill will raise rates. Who says that? Why, the cable industry does.

What are we to make of that? I would like to share with my colleagues portions of an article written by columnist Don Hannula of the Seattle Times in responding to the bill-stuffer campaign of the cable industry. Mr. Hannula said:

Don't believe the flyer. It's garbage. Throw it out with the grapefruit rinds.

He continues:

If cable television was interested in holding down rates, it would have done it on its own—and there wouldn't have been a consumer clamor for Congress to reregulate the industry.

Rates for the most popular cable service rose 61 percent nationwide in the 4 years

after deregulation became effective in 1986. That was triple the rate of inflation over the same time span.

And Mr. Hannula points out:

A Consumer Report survey also showed cable satisfaction was the lowest it had found in 16 years of rating service industries. The magazine lamented that cable operators had been able to get away with poor service because they had a captive audience.

He concludes:

If you think cable companies are losing sleep over rising rates, believe the green flyer of the National Cable Television Association. If you don't, don't.

I think Mr. Hannula has it right. If you believe in the tooth fairy, Elvis sightings, and cable's newfound concern for their long-suffering customers, then vote against this conference report. If not, then take cable's propaganda and put it with the grapefruit rinds.

I urge my colleagues to vote for this cable reform legislation.

Mr. LENT. Mr. Speaker, I yield 2 minutes to the gentleman from New Mexico [Mr. RICHARDSON], a member of the committee.

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

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

Mr. HASTERT. Mr. Speaker, I rise in opposition to the bill.

I rise today in opposition to the cable bill conference report. Quite simply, this bill will not do what the authors of the bill allege.

This bill is not proconsumer. It is my belief and that of others who are experts in this field that this bill will at best keep cable rates relatively flat. That is right, just keep cable rates flat, but at what cost? This bill's regulatory scheme will unquestionably adversely affect the quality and quantity of programming available to consumers. Simply, it will restrict choice. At a time when the American consumer is looking for greater program choices, we do not need to be restricting choices with excessive regulation. Lastly, and most perversely, this bill will raise rates. I can tell you that my constituents do not want this bill because it will raise their rates. I urge Members to read their mail and to listen to what their constituents say about this bill. Under this bill the FCC would have to set cable rates. I can tell you that it does not want this responsibility, does not think it is required and furthermore thinks the cost of regulating the cable industry would be so much it would eclipse its other responsibilities. The FCC estimates that this regulation will cost between $22 million and $54.7 million per year.

This brings us to the second fatal flaw of S. 12. It is not procompetition. It is not procompetition because the cable policy envisioned in this bill refuses to acknowledge the potential benefits to American consumers of real competition in the cable industry. One aspect of competition that is not addressed in this bill is the prospect of local exchange telephone companies owning and delivering cable programming, under appropriate regulation, in their respective service areas. Ironically, the only provision in either bill dealing with telephone competition and enfranchising of many potential small town and rural customers—by expanding the rural exemption from 2,500 to 10,000 people—was eliminated by the conferees.

Congress can not ignore the issue of telco-cable entry and video programming any longer. Beyond that, the key competitive element of encouraging telephone companies to provide fiber optic highways, or other modern broadband technology is greatly lacking in the proposed legislation. What is more, if this wrong-headed legislation does not become law, we will probably not be in a position to deal with the issue of true competition for another decade or so.

Let us not act precipitously and pretend the future is not already at hand. Let us not pass this conference report which is, unfortunately, both anticonsumer and anticompetition.

Mr. RICHARDSON. Mr. Speaker, there is a great deal of confusion surrounding what the conference report does on equal employment opportunities for minorities and women. I want to set the record straight on this issue.

When H.R. 4850 passed the House in July, it had a strong EEO provision. The House put its support behind a policy that strengthened EEO rules on the cable industry and extended these standards to the television broadcasting industry. That was good policy. That policy had the support of the Energy and Commerce Committee and the full House because we decided to do something finally about the under-representation of minorities and women in the mass media area.

The House now has before it, in this conference report, a very different EEO policy. In fact, it has two EEO policies. Minorities and women get one set of EEO rules if they work at a cable company, and they get a different set of EEO rules if they work at a television broadcast station.

The conference report has a solid EEO policy with respect to cable. It will subject the cable industry to new requirements and tougher FCC enforcement. This change is a much needed improvement to existing EEO cable rules, and I strongly support these additional measures.

The conference report, however, severely weakens the EEO policy with respect to the broadcast industry. Instead of agreeing to the House-passed version on EEO, conferees choose to simply codify the FCC's existing rules on equal opportunity in employment.

There's a big difference between the House-passed EEO provision and just simply codifying what is already required by FCC regulation. Codification is simply putting the status quo into the Federal statute. The conference report has stripped away important requirements that would have:

First, directed the FCC to annually certify broadcaster compliance with EEO obligations.

Second, instructed the FCC to review broadcaster performance as part of the license renewal process.

Third, encouraged broadcasters to take affirmative steps to do business with minority and female entrepreneurs.

Fourth, expanded the listing of job categories on the annual statistical report to 15 categories in an effort to better define the representation of minorities and women who really work in decisionmaking positions.

Members of the House should know that all we are doing on broadcast EEO is putting existing FCC rules into the statute. There will be no change in the EEO policies and programs of television broadcast stations. None.

Mr. Speaker, as a legislator, I recognize the need to compromise. But we should not accept compromises when they really serve as nothing more than an excuse. Supporters of the conference report are going to try and assuage those House Members who are upset about the changes made on broadcast EEO with the usual talk about the need to compromise. Some are going to make the following argument to us, "well, at least we got something. The Senate wanted to do nothing, but we fought to get you what you already have and put the existing broadcast EEO rules into the statute."

Mr. Speaker, I would respond to that by saying it is ironic that in a bill where the broadcasting industry has refused to compromise on all their top priorities—retransmission consent, one-third set-aside for must-carry stations, no minimum viewing standards, channel positioning—that the House is asking minorities and women to compromise on something that is a priority for them: meaningful equal employment opportunity [EEO] rules for minorities and women who work in the broadcast industry.

Mr. Speaker, the House normally adheres to a different standard. When the House passed the 1984 Cable Act, we told the cable industry that if it wanted the benefits of legislation, then it would have to accept social responsibilities of adopting detailed and meaningful EEO policies. That was the correct standard and it led to the creation of EEO statutory requirements.

Now, in 1992, we have legislation that will clearly benefit the broadcasting industry. For all the talk about consumers, the real engine behind this bill is the broadcasting industry, not surprising, since this legislation gives the broadcasters virtually everything they have ever asked for. So I think it is only fair and consistent for the House to tell the broadcasting industry the same thing it told the cable industry in 1984: "If you want the benefits of legislation, then you have an obligation to accept a meaningful EEO policy."

Mr. Speaker, there is no policy justification to maintain, much less to put into the Federal statute, this double standard on EEO. This conference report is saying it's OK for cable opera-

tors to play by one set of EEO rules and for television broadcast stations to play by a different and much weaker set of EEO obligations.

The whole reason behind the adoption of equal employment opportunity policies in the media industry is that Congress and the courts consider the participation and the employment of minorities and women in decisionmaking positions to be integral to the larger principle of diversity of views in electronic media. That is the public policy justification for EEO, and it has been upheld by the courts.

If we are fully committed to achieving that goal of diverse views and viewpoints in the cable industry, which by the way reaches just 60 percent of the homes in the country, then why is it that Congress is less committed, in this conference report, to those principles when they apply to the broadcast industry, which reaches every home in the country and thus has a much larger impact of the expression of viewpoints and the shaping of public opinion.

Mr. Speaker, I ask that the following letters be inserted into the RECORD. They shed some light on this important debate and about what happened in the conference committee.

NATIONAL ASSOCIATION OF
BLACK OWNED BROADCASTERS,
Washington, DC, September 15, 1992.

Re Cable Television Act of 1992.

Hon. ERNEST HOLLINGS,
Senate Russell Office Building,
Washington, DC.

Hon. DANIEL INOUYE,
Senate Hart Office Building,
Washington, DC.

Hon. JOHN DINGELL,
Rayburn House Office Building,
Washington, DC.

Hon. EDWARD MARKEY,
Rayburn House Office Building,
Washington, DC.

GENTLEMEN: NABOB thanks you for the hard work and dedication you have shown in developing the Cable Television Act of 1992, which will be going to the floor in both chambers in the immediate future.

We have read that the President is threatening to veto the legislation. Therefore, we feel that it is important that we go on record in support of your efforts.

As you are aware, NABOB was particularly concerned with the must-carry provisions of the bill. Without must-carry rights African American owners of television stations would find it virtually impossible to compete against larger television stations and cable systems. We are pleased to see that the bill will provide must-carry rights for most African American owned television stations immediately, and should lead to the remaining African American owned television stations being carried in the near future, after the FCC completes its investigation of commercial matter carried by television stations.

This portion of the legislation is important, and we commend the conferees for including it in the bill.

We are aware, however, that the House version of the bill contained provisions concerning EEO enforcement which were more extensive than those which were adopted. We fully understand and support the reasons which led to adoption of the House EEO amendment. As African American broadcasters, we are acutely aware of the gross underrepresentation of minorities in the management ranks of the broadcast industry. Most minorities in the industry must look only to minority owned stations for an opportunity to enter the ranks of management. We, on the other hand, can rarely look to the ranks of the majority station owners to find minorities who have gained management experience which they can bring to our stations. The problem is not a lack of qualifications on the part of the minority employees, but a lack of commitment on the part of the majority station owners to promote them to management level positions.

Thus, we appreciate and agree with the ideals and objectives of the EEO amendment which was in the House bill. However, we do not agree that the bill should be rejected because all of those proposals were not carried over into the final bill.

The conference bill includes a codification of the FCC's EEO rules. Codification of the FCC's EEO rules has been a legislative objective of NABOB for many years. Up until now, aggressive enforcement of the FCC's EEO requirements has been a discretionary policy decision of the FCC. With this legislation, aggressive enforcement by the FCC will be statutorily required. This is a significant addition to the Communications Act.

Additionally, the bill imposes new EEO requirements on the cable industry. The cable industry has not been subjected to the degree of FCC enforcement in the EEO area which has been imposed on the broadcast industry. The application of new EEO requirements to the cable industry is another positive accomplishment of the bill.

Therefore, NABOB supports the bill's overall accomplishments in the areas of must-carry and EEO. We hope that the Senate and House will pass the bill with a large enough majority to override the threatened veto.

We thank you again for your efforts.

Sincerely,

JAMES L. WINSTON.

Re Cable legislation alert.
To: INTV members.
From: David L. Donovan.
Date: September 1, 1992.

I trust you had an enjoyable summer. The wheels of government have been churning in August, albeit slowly. Unfortunately, as a result of a deal with Senator Bob Dole and the Republicans, the Senate did not appoint members to the conference committee until the day Congress adjourned for the summer. However, the staff of the House and Senate Communications Committees met in an attempt to iron out differences between S. 12 and H.R. 4850.

At this point, there are several major issues which remain unresolved. First, there has been no formal agreement to add retransmission consent to the final bill. Frankly, I believe Chairman John Dingell is using this as a bargaining chip for other issues. Ultimately, retransmission consent will be added to the final bill.

Another point of contention is EEO. As you know H.R. 4850 added new and tougher EEO requirements. We have been working with members of the Conference Committee, especially the Senate to have these provisions deleted from the final bill. Nevertheless, I expect some EEO requirements to be included in the final bill. Our fall-back position is to simply codify the existing FCC regulations.

At this point in time the must-carry and channel positioning provisions have been non-controversial. The Senate is expected to accept the additional channel positioning option (carriage on the channel and occupied on January 1, 1992) contained in H.R. 4850.

There is a significant difference between the rate regulation provisions in S. 12 and H.R. 4850. This issue has not been resolved.

While we are not entirely sure of the exact provisions of the final conference cable bill, you should begin your lobbying efforts now? In July we sent you a list of key Senators. The cable industry has targeted the same Senators. Cable knows that these Senators hold the key to both final passage and the potential for a presidential veto. If the conference bill passes by a sufficient margin, President Bush will have a difficult time vetoing the legislation.

If your Senator appears on this list, I strongly urge you to contact his office. Tell your Senator to vote for final passage of the joint House/Senate conference cable bill. Follow up the letter with a telephone call.

We will be meeting with these Senators in the next two weeks. It would be very helpful if they already received your letters. Enclosed you will find a list of key Senators and a draft letter.

We are almost over the goal line. However, cable has launched a massive media campaign and is bringing in the heavy guns to lobby. We must counteract this effort.

Please contact me if you have any questions. Also, please send me a copy of the letters you send to the Senators.

BLACK ENTERTAINMENT TELEVISION,
Washington, DC, September 16, 1992.

Hon. BILL RICHARDSON,
U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN RICHARDSON: There are several reasons to vote against the conference report on S. 12, such as the must carry provision which gives broadcast stations preferential carriage over black-owned cable networks like BET. However, my primary reason for opposing this legislation is the double standard which it promotes for the treatment of minorities and women in two of our nation's leading media industries—cable and broadcasting.

The cable and broadcasting industries currently operate under two completely different EEO standards. For cable, Congress imposed statutory EEO requirements with the passage of the Cable Act in 1984. However, Congress has not extended similar statutory EEO obligations to any other media industry: the broadcasters' only specific EEO obligation to enhance the employment of women and minorities stems from Federal Communications Commission rules.

There are a number of significant differences between the cable industry's statutory EEO obligations and the broadcasters' FCC rules. For example, cable operators are required to: (1) disseminate their EEO programs to subcontractors; (2) encourage minority and female entrepreneurs to do business with cable operators; and (3) annually certify compliance with the EEO laws. The broadcasters' EEO rules do not contain any comparable provisions. Similarly, cable operators are expressly barred from discriminating against any person on the basis of age; broadcasters are not. Consequently, the Senate's position that Congress should merely codify existing FCC rules for broadcasters does not guarantee women and minorities in that industry the same opportunities for advancement and employment as the cable industry.

To accomplish the goal of promoting diversity of ownership and the expression of different voices in our nation's media, it is necessary for Congress to enact the same statutory EEO requirements for both the cable and broadcast industries. The House bill, H.R. 4850, accomplished these goals. Sadly, the conference report on S. 12 does not, since conferees agreed to weaken statutory EEO obligations for broadcasters while expanding them for cable companies. This creates an indefensible double standard and runs counter to the broadcasters' argument that they need S. 12 to "level the playing field" with cable companies.

The conference report on S. 12 undermines Congress' commitment to creating equal employment opportunities for all Americans. I urge you to repudiate the EEO language in S. 12 and to vote against the conference report.

Sincerely yours,

ROBERT L. JOHNSON,
President.

NATIONAL ASSOCIATION OF MINORITIES IN CABLE,
Cerritos, CA, September 16, 1992.

HON. BILL RICHARDSON: We are deeply disturbed in reference to the changes made by the House and Senate conferees to the equal employment opportunity (EEO) section of the cable bill. These changes are a step back. Meaningful EEO guidelines do work. . . .

The Conference Report S. 12 eliminates the single positive aspect of H.R. 4850 as passed by the House of Representatives in July. To literally cancel out the positive strides in EEO for the Broadcast Industry that H.R. 4850 established, and dilute The Conference Report is beyond our comprehension.

Minorities should be treated equitably, and equal opportunity in the Broadcast Industry in hiring, and promotions, and contracting serves the public interest. If EEO is good in one industry, then why isn't it good in another.

We cannot allow the Congress to enact this bill and its double standard. A strong message must be heard in the best interest of minorities, and women who have a need for professional advancement, and representation in the Broadcast Industry.

We urge you to vote no on the Conference Report on S. 12.

Sincerely,

DOUGLAS V. HOLLOWAY,
President, NAMIC Board of Directors.

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. Mr. Speaker, as we decide how to vote on this very important legislation, I hope we do so with one basic fact in mind, and that is what has happened to cable rates in this country over the last 5 to 6 years. As Members have heard here today, cable rates in this country have been increasing at three times the rate of inflation.

The question before us today, my friends, is are we prepared to do something about that, yes or no.

Is this legislation perfect? No, it is not, and there are some provisions in it that this gentleman does not particularly care for. But I will say this, I think we have a fundamental obligation to try and slow down the rate of increase in cable rates across this country, and this legislation will do that.

And I have to tell Members that I categorically reject the claims of the cable television industry that our constituents are being exposed to on commercials all across this country. Those commercials would lead our constituents to believe that with the passage of this legislation their rates are going up dramatically. That is absolutely wrong. The fact is that rates are going to probably go up a little bit with or without this legislation. The question is how much are they going to go up, and I contend they are going to go up much less with the passage of this legislation.

And for those who may be worried about the regulatory burden that we are going to place on small businesses, those small businesses in this country that own small cable systems, keep in mind we have an exemption in this legislation for systems with 1,000 subscribers or less. And that will significantly reduce the regulatory burden on those small systems all across the country.

Last of all, every Member of this body that cares as I do about the future of rural America should be supporting this legislation, and supporting it enthusiastically. This legislation requires the vertically integrated monopolies in this country, the cable television operations, to market their programming to other individual businesses like satellite owners. Without this legislation, my friends, those constituents of ours, those Americans who live in areas that do not have cable television are not going to have access to the programming that people have in the urban areas of this country that do have cable service. So my friends, if you care about rural America, if you care about competition, if you care about keeping consumer costs down in this country, support this conference committee report enthusiastically.

Mr. LENT. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. RITTER], a member of the Committee on Energy and Commerce.

□ 1030

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

When last we debated this legislation, I cautioned my colleagues that, in our zeal to reregulate the cable industry, we should be careful not to lose the opportunity to pass meaningful and lasting cable legislation that would both protect consumers and preserve the record of growth and innovation which the cable industry had forged since 1984.

I stand before my colleagues today to report that we have squandered our opportunity. And it is our constituents who will pay the price for our failure.

Once again, the Congress has chosen the heavy hand of regulation over true competition. It is true that this bill expresses the preference for competition and that is good. But the substance behind the claim is much more illusory than real.

For instance, the conference committee could have provided for quick competition by allowing phone companies to provide competitive cable service in rural areas with populations under 10,000. That proposal was defeated.

This bill is a vortex of unintended consequences, the most significant of which, of course, is an increase in basic cable rates. There have been claims and controversies on this issue. There have been massive ad campaigns. Many of our constituents simply do not know what to believe. And once again, our constituents are absolutely right.

No one who takes a good hard look at this bill knows what to believe—because no one knows just how this legislation will affect rates or service. Rates will go up.

Even the proponents of the bill, as quoted in Broadcasting magazine, say that the cable industry may be right when it says the rates will go up. Mr. MARKEY was quoted in the New York Times as saying that consumer rates will go up under this bill. Some studies say that the rates will go as high as $3 billion.

The regulatory burden of this bill is a nightmare. Eighteen rulemakings in 180 days. A cost to Federal and local governments of $100 to $300 million over 5 years, which will be passed on to the taxpayers and the cable subscribers. There will be other expenses, like fees for the attorneys who will argue the cable rate cases—and more litigation is the last thing we need in this country.

The Lehigh Valley is one of the few areas in the Nation that today has competitive cable service, even as it is denied under this act.

And it is precisely because the Lehigh Valley has competitive cable that it is important to this debate. For it is a minilaboratory of what is to come for the rest of the country should the avowed goal of this bill—cable competition—ever come to pass.

Under this legislation, a cable system is no longer subject to rate regulation once it is subject to effective competition. Presumably, at that point, rates are set by market forces and that is generally good.

But this bill now contains the so-called retransmission consent provision, which would require a cable operator to pay a broadcaster who had opted out of must carry for the right to retransmit the television station's signal.

I don't care how you cut it, this is an extra cost which, when paid by the cable system, will be passed on to the consumer through a higher rate.

But this is only one marketplace result. A cable company could elect not

to pay the retransmission consent and not carry the station's signal. Or one cable company might start a bidding war with its competitor for the exclusive right to retransmit the station's signal, either because it wants the signal for itself or because it simply wants its competitor to pay a ruinous price for it.

In the first instance, there is a diminution of service; in the second, rates may go even higher as the result of a bidding war. Neither result benefits the consumer. And so, through an act of Congress, free television will no longer be free simply because a subscriber chooses to view it over the local cable system. Explain that one to your constituents.

So rates will go up because of payments to broadcasters, and rates will also go up because the buy-through provisions require additional equipment so that different levels of service can be provided. These costs will be passed on to the consumer, and in the Lehigh Valley, the consumer will suffer.

And so, in conclusion, I repeat those questions which I posed to you back in July: In the last analysis, what benefit would the consumer receive from this bill? Lower rates? Emphatically, I say no.

The consumer will experience higher rates and the thing that will gall him or her the most is that they will have received no value for their money. They will not have received new programming. They will not have received new or better services.

They will, however, have received the protection of a new and unseen bureaucracy which they never sought and which they do not need.

I supported reregulation of the industry through the Lent substitute because I believed it protected consumers and promoted competition in the cable market. This bill, I fear, does neither for the cable subscribers of the Lehigh Valley and I urge my colleagues to reject the conference report.

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

Mr. MARKEY. Mr. Speaker, I yield 1 minute to the gentleman from Alabama [Mr. Harris].

Mr. HARRIS. Mr. Speaker, I am here to express my strong support for the conference report on S. 12. I believe that this conference is an even better product than even the House or Senate bills. It answers all of the complaints I have received from my constituents over the past 8 years of deregulation.

This bill contains adequate rate regulation of the basic tier of service; it provides a means to rein in renegade cable operators from charging excessive rates in the upper tiers of cable service; it guarantees an acceptable level of customer service; it prevents cable operators from making consumers pay a hundred times over for remote control channel changers and other equipment; and provides incentives for cable operators to upgrade their systems. The bottom line is it ensures that the cable programming that viewers want to watch will be available at reasonable prices.

I believe that most of you will agree with me that genuine competition in the marketplace is always preferable to regulation. Regulation of cable rates will never adequately substitute for it. For that reason, I am particularly pleased that this conference report contains the program access language that our colleague BILLY TAUZIN worked so hard to make possible. The program access provisions of this bill prohibits cable programmers from discriminating in price, terms, and conditions in offering their programming to other multivideo providers. In other words, meaningful program access promotes competition in the video marketplace so that television viewers will have the opportunity to choose among competing cable companies, wireless cable providers, C-band satellite, direct broadcast satellite, and any other new program distribution technology. Rural Americans will soon be able to fully participate in the information age and not at grossly inflated prices.

Finally, I would like to address the campaign of disinformation that the cable industry has embarked on about retransmission consent. Retransmission consent is not a surcharge on cable ratepayers as the industry claims. Instead it merely gives local, and I emphasize, local broadcasters the right to negotiate in good faith for their sole product—their broadcast signal. This is a basic right that local broadcasters have been denied since cable was in its infancy and nothing more than an antenna service. Well, cable is now a $21 billion industry which creates and owns much of the programming which goes out over its wires. It no longer deserves the subsidy which local broadcasters have been providing it and local broadcasters can no longer afford it. If this inequity is not corrected soon, local broadcasters may be forced to cut back further on locally originated programming in news, weather, public affairs, and service—that is certainly not in the best interest of our communities.

Despite the deceptive mailing your constituents may have received or the misleading ads they may have seen, this bill does exactly as its title claims. It protects the viewing public from cable rate hikes and promotes competition in the multivideo marketplace. Support S. 12 and take home a cable bill that groups like the AARP, the Rural Electric Cooperatives, the Consumer Federation of America, and the AFL–CIO have endorsed.

Vote "yes."

Mr. LENT. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. FIELDS], a member of the Committee on Energy and Commerce.

Mr. FIELDS. Mr. Speaker, we have heard a lot of emotionally charged rhetoric about the cable legislation we will vote on today. And while compelling arguments will be made as to whether the bill will or will not lead to lower rates for cable customers, I would like to spend the brief time I have addressing the gross misrepresentation that is being made by opponents of S. 12 on the issue of retransmission consent.

In all my years of serving in Congress, I have never, ever seen such a calculated and deliberate effort to distort any single issue. I deeply regret that opponents of this cable bill are so desperate that they have taken the most competitive, proconsumer provision in the bill and used it as the scapegoat for killing this legislation.

Oftentimes, when we debate legislation in the House the facts get distorted and we confuse rhetoric with reality. Let me underscore the facts on the issue of retransmission consent.

First, retransmission consent will not drive up rates. Nothing in the legislation requires the cable company to pay the local broadcaster. The bill simply requires that the cable operator negotiate with the broadcaster on the terms and conditions of carrying the broadcaster's signal. Under this scenario, many broadcasters will negotiate for an additional channel to program a 24-hour news, sports, or weather service. Retransmission consent does not force the cable operator to pay the broadcaster for use of his signal. Further, under the legislation, the FCC is directed to ensure that retransmission consent will not have a significant impact on rates. And finally, what is probably most offensive about cable's charge that retransmission consent will effect rates is the fact that cable currently only pays abut $3 a month for its programs, but charges the cable customer $20 month—and they claim that they won't be able to absorb the additional costs of retransmission consent.

Second, retransmission consent has absolutely nothing to do with copyright law. This legislation is designed to recognize the value of the broadcaster's signal. Hollywood program producers are already fully compensated when they sell their programs to broadcasters. Hollywood and the Judiciary Committee have no legitimate place in this debate. Ironically, they have tried to kill retransmission consent at every turn, yet they have been unsuccessful in their efforts to win approval for their own measure. They even turned down the opportunity to participate in the cable conference. In my opinion, their arguments are shallow and totally unfounded.

Finally, retransmission consent is a marketplace, procompetitive approach

to the competitive imbalances which exist today between the local broadcaster and the local cable operator. If we fail to address this issue, then we may very well see the demise of the only real competitor the cable operator has today, the local broadcaster. If this happens, then those who cannot afford cable—the poor, the elderly, and the unemployed—will be denied a viewing alternative. Simply put, without enacting some kind of corrective measure, we risk having a two-tier society of information haves and have nots.

Mr. Speaker, I hope my colleagues won't be swayed by the crocodile tears of those who oppose retransmission consent. Enactment of retransmission consent is essential if we are to ensure the future of free, quality, community-based television programming.

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee [Mr. COOPER].

Mr. COOPER. Mr. Speaker, the consequences of this debate for the C-SPAN audience are enormous as well as for other cable programming that we enjoy watching. The consequences are also enormous if you have a satellite dish, because in the 97 percent of American TV markets which have no competition, basic cable rates are about $20, but in the 3 percent of American cable markets which do have competition, where if you do not like cable company A, you can pick cable company B, guess what, rates are more likely to be in the $10 a month range.

If you aggregate the savings we could achieve nationwide, the Wall Street Journal and the Consumer Federation of America estimate we could be saving as much as $6 billion a year of our taxpayers' money, of our consumers' money, of the money of the folks back home, if we do this right.

Now, I will have to admit this conference report is good, but it is not a perfect measure. I would like to see it go farther. I am for cable telco entry. I think that we need telephone companies in the cable TV business, and I think we need cable companies in the telephone business, but this before you is a great bill that we should still support. It will offer our consumers relief, much-needed relief, long-overdue relief.

There is another issue at stake in this debate today, and that is the integrity of this body. We have witnessed one of the most unscrupulous lobbying campaigns of modern times. Every cable customer has gotten a misleading flier, and there have been countless cable ads that are terribly misleading. We need to stand up for the truth in this body. We need to stand up for competition. We need to stand up for the conference report.

I would urge my colleagues on the Republican side of the aisle to follow the lead of the gentleman from Illinois [Mr. MICHEL] and the gentleman from New Jersey [Mr. RINALDO], follow their lead, and on the Democratic side, follow the lead of the chairman, the gentleman from Massachusetts [Mr. MARKEY], and the chairman, the gentleman from Michigan [Mr. DINGELL].

This is legislation we need to pass today.

Mr. LENT. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. OXLEY], a member of the committee.

Mr. OXLEY. Mr. Speaker, I stand in opposition to this legislation as I have been consistently through the process.

This bill is about two things: Politics and money. The politics are quite obvious as to what we are trying to do or what the proponents are trying to accomplish here. But the deep, hidden secret behind this whole thing is a thing called retransmission consent, something that the House did not have a chance to work its will on. It was inserted back into the conference committee.

Hardly anybody other than my friend, the gentleman from Texas, who spoke immediately before me, hardly anybody said that this is actually going to save money. The chairman of the subcommittee in testimony before the Committee on Rules, the chairman of the full committee, in testimony before the Committee on Rules, said, yes, retransmission consent is going to cost money. We are not sure how much, but it is going to cost money. The argument is not about whether we are going to save the consumer any money or not. The question is how much higher the rates are going to go because of retransmission consent.

□ 1040

Why do you think Hollywood is so interested? They can smell the money; they know how much money is going to be raised by this. So they come in and lobby against the bill because they understand exactly what this means. It essentially means that my consumer constituent who has cable is going to have his pocket picked to make certain that CBS does not lose too much money on some of the terrible business decisions they made, like major league baseball, for $1 billion, so they can pay banjo-hitting shortshops half a million dollars a year to sit on the bench. That is essentially what it is all about. It is about money.

I for one think it is impossible to try to explain, for the proponents, to go back to their constituents and say, "Hey, we saved you a lot of money," when in fact it is just quite the opposite.

Make no mistake about it, Mr. Speaker, the President of the United States, in a letter that was dated today, sent to all Members of Congress, made it very clear that he will veto this legislation. He talks about his vision for the future, which includes competition. Competition is the answer.

I would suggest, when we come back here next session after this bill is vetoed and we sustain that veto, that we get with it and talk about a competitive mode, that we take away the cable-telco crossownership ban and really get at competition instead of overregulation, which is what we have got in this particular piece of legislation.

So I urge the defeat of the conference report and a vision in the future, next session, to look at the competitive mode, the Oxley-Boucher bill, as a starter. I think that we can save the consumer money and at the same time provide competition in this industry.

Mr. MARKEY. Mr. Speaker, I yield myself 30 seconds at this point just to remind the House that the legislation we are dealing with right now is the Senator from Missouri, JACK DANFORTH's, a Republican, his legislation. This is not a bill which is a Democrat or a Republican bill, this is a bipartisan piece of legislation produced in the House and the Senate. The Senate, Senator DANFORTH working with Senator HOLLINGS and Senator INOUYE, put it together; on our side, Mr. DINGELL and I with Mr. RINALDO, working with many other minority Members, put it together. It is a bipartisan piece of legislation, not Democrat or Republican.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS of Illinois. Mr. Speaker, I rise in support of this legislation which includes many of the important consumer protection provisions in H.R. 4850, the House version of the cable bill which passed in July.

In spite of what the cable industry has proclaimed, this legislation could lead to greater competition in an industry that has had a virtual monopoly and lower cable rates. Since 1987, cable rates have skyrocketed and the industry has been without monitoring by a public body.

In July, I was successful in getting strong equal employment opportunity language in H.R. 4850, the House cable bill which could lead to increased opportunities for minorities and women. This bill does exactly that. This conference report also has minority programming provisions that will increase access for qualified minority programming services.

I am, however, deeply disappointed that the conference report does not include the strong equal employment opportunity rules that were approved for cable television for broadcast television. Anyone who feels as I do would have to consider this a mistake.

Some would have you believe this bill does not go far enough to remedy the underrepresentation of minorities and women in the mass media, but I am confident that this bill will assure improved equal employment opportunities in both the cable and broadcast

television industries, and definitely leaves the door open so that in the near future we will get EEO requirements to cover broadcast television.

As the National Association of Black-Owned Broadcasters said in a recent letter:

We appreciate and agree with the ideals and objectives of the EEO amendment which was in the House bill. However, we do not agree that the bill should be rejected because all of those proposals were not carried over into the final bill.

This bill expands from 9 to 15 the job categories for which employee information is required—corporate officers, general manager, chief technician, comptroller, general sales manager, and production manager. These are all top management positions.

The FCC will be mandated to prescribe the methods by which entities are required to compute and report the number of minorities and women in these job categories.

Further, the report codifies the FCC-EEO rules for the first time. That is a good step forward. I, for one, will continue to fight to have stronger EEO regulations extended to the broadcast industry. The bill will create an FCC Mass Media Bureau program of mid-license term review of television broadcast stations' work force employment profiles.

The FCC will compare the station's work force data with its area labor force but for those who see quotas behind every EEO effort, they should understand that this procedure is not intended in any way to establish a hiring quota.

I realize there are those who would have you believe this is not a strong bill and doesn't go far enough to remedy the underrepresentation of minorities and women in the mass media, but I am confident that this bill will assure that equal employment opportunities are afforded by cable television and will lead to improvements in broadcast television.

Mr. Speaker, I urge my colleagues to support this conference report.

Mr. LENT. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. UPTON], a member of the committee.

Mr. UPTON. I thank the gentleman.

Mr. Speaker, this bill is not perfect, but it does a whole number of things, which will cap rates, which have gone up three times higher than inflation since 1987. People are sick and tired of rate increases. This bill will allow people to pay for what they watch. And what is wrong with that? My household watches C-SPAN, ESPN, CNN, WGN, and a bunch of other local stations. Why should households that watch other stations pay for what I watch? And vice versa. It is sort of like when you go to the grocery store to get only skim milk, you do not buy every single dairy product on the shelf—eggs, whole milk, half-and-half, margarine. No. If you did, you would go broke.

That is what the consumer is mad about. And that is why virtually every consumer group in the country is in favor of this bill.

Mr. Speaker, I urge my colleagues to do something about cable rates. I urge my colleagues to vote for this bill.

Mr. MARKEY. Mr. Speaker, I yield 1 minute to the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Speaker, I support this conference report.

Years ago State and local governments gave away cable franchises creating government-sanctioned regional monopolies and making millionaires out of cable franchise owners.

Then Congress decided, in 1984, to deregulate those regional monopolies, making cable franchise owners multimillionaires. They were able to become multimillionaires because they have no competition and no regulation. Unchecked, prices went up significantly. And they will keep going up unless we do something about it.

This bill will do something about it. It will encourage competition and provide for modest regulation. Now, wireless multichannel TV and satellite multichannel TV will have access to the same programs cable companies have access to so they can compete with cable on an equal basis.

Republicans want competition; this bill does it. But it also will provide some regulation to make sure in the shortrun prices do not go up too much more.

I salute the committee on the work it has done and I urge my colleagues to vote for this bill.

The SPEAKER pro tempore (Mr. LUKEN). The gentleman from Massachusetts [Mr. MARKEY] has 17 minutes remaining, and the gentleman from New York [Mr. LENT] has 14 minutes remaining.

Mr. LENT. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado [Mr. SCHAEFER].

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

Mr. Speaker, I yield briefly to the gentleman from Virginia.

Mr. BLILEY. Mr. Speaker, I rise in opposition to the conference report.

Mr. Speaker, many of the same people were here with me 8 years ago when we deregulated the cable industry. We deregulated it because most local franchising authorities had placed rates at such an unbearably low level that it was impossible for the industry to invest in upgraded equipment and technology and to improve its programming.

We deregulated the industry because the American consumer wanted more. So we crafted legislation that freed the industry to invest and the result has been 8 years of rapid growth in programming choices and a tremendous increase in the number of living rooms in which cable television is now available across the country.

Yet as these opportunities increased, we began to start hearing from our constituents about spotty service and rapidly rising rates in the cable industry. Many of us are cable subscribers and have witnessed these rising rates ourselves. But as we consider this bill today, I urge my colleagues to keep in mind that where these rates have risen, there has been a direct reflection in the quality and variety of programming we, the consumer, have been able to receive in our living rooms.

Since the 1987 effective date of the deregulation of cable, the General Accounting Office has conducted three studies on cable rates and services. These studies found that the price of basic service has increased, but has done so hand in hand with a similar increase in the number and variety of programming choices available to the consumer. GAO found that the average price per basic channel increased from 44 cents in 1986 to 53 cents by 1991. This 20-percent increase may seem surprising at first glance, yet becomes less startling when one finds that the Consumer Price Index, during the same period, increased 22.5 percent. Further, the GAO report seems to indicate that the catch-up period following deregulation seems to have come to a halt. In 1990, the average cable consumer's bill rose 4.2 percent while inflation during 1990 rose almost 2 percentage points more; by 6.1 percent.

While cable rates have been rising, however, cable programming has improved significantly. We can all agree that the quality, creativity, and diversity of cable programming has improved dramatically. In 1984, for example, cable programmers spent about $300 million in basic cable programming; today that figure is over $1 billion and has led to the availability and quality of such networks like Discovery Channel, Nickelodeon, ESPN, CNN, and Black Entertainment Television, to name only a few. This is a direct result of one of the central features of the Cable Communications Policy Act put in place in 1984: rate deregulation.

There are those here today who will make the argument that the rising cable prices and spotty customer service are a result of the monopolistic situation in which the industry finds itself. There are those who will also state that the solution to this monopolistic situation is not through more needless regulation. I certainly agree.

The legislation before us today would only work to stifle the creativity and diversity that have come with deregulation. We would be unwise to saddle the industry at this point with more needless regulation, unprecedented restrictions in the sale of their products and the use of their technology. I ask my colleagues to consider that the issues which led us to deregulate cable in the first place are still relevant today. For these reasons, I urge my colleagues to keep these thoughts in mind as we consider this legislation.

Mr. SCHAEFER. Mr. Speaker, I rise in strong opposition to the conference report, and in doing so I take great relief from the fact that I need not defend it, if enacted.

We are talking about an industry that has only been deregulated for 5 years, and now we are talking about an industry that we have to come back

and reregulate again. I think it would be extremely difficult to explain to our constituents our higher cable rates resulted from a bill promising to lower them. Or why legislation intended to benefit cable consumers actually led to fewer programming choices. And why a measure with competition in its title did little or nothing to bring it about.

Thankfully, by voting against this conference report, I will not have to face these questions in the future.

Instead, opponents of this legislation can speak of lost opportunities where consensus was sacrificed for political gain. How we knew all along that the regulatory overkill and Government micromanagement put forth by this bill would indeed stifle investment and plant operations and equipment improvements.

□ 1050

In that we were right in arguing that not only competition could bring about the promises made by the conference report, but lower cable rates and a vibrant video marketplace. It was not too long ago that this body remembers we passed what was called the catastrophic health care bill. I was proud to have voted against it.

What happened? We came around and repealed it shortly after because the American people rose up against it.

I predict that is what is going to happen if this particular piece of legislation passes.

Mr. MARKEY. Mr. Speaker, I yield 1 minute to the gentleman from Vermont [Mr. SANDERS].

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

Mr. Speaker, Reaganomics has failed. The deregulation of the television industry has failed. And the time is now to protect our consumers against a cable TV industry which has raised its rates nationally by 61 percent in the last 5 years—three times as high as inflation.

Mr. Speaker, in my own State of Vermont, cable rates since 1986 have gone up by 58 percent in Bennington, 123 percent in Montpelier, and 110 percent in St. Johnsbury, among other towns. This is not a perfect bill, but it finally tells the cable TV monopolies that they cannot simply raise their rates to any level they wish.

When consumers deal with a monopoly, and have no choice with regard to competition from another company, it is appropriate and it is right for the Government to regulate cable TV rates, channel tiers, and equipment fees—and that is what this bill does.

Mr. Speaker, the cable TV industry has been running an extremely dishonest ad campaign in opposition to this bill. They are using bogus figures in order to defeat it. Understandably, they want to be left alone so that they can continue to raise their rates as high as they want, no matter what impact this has on the consumer.

Tragically, President Bush is once again defending the big money interests and is threatening to veto this bill, which has the support of every major consumer organization, the largest senior citizens' organizations, and the U.S. Conference of Mayors, among many other groups.

Mr. Speaker, we were sent down here to represent ordinary Americans and not the big money interests. Let us pass this conference report, and override the veto when it comes.

Mr. LENT. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. HUGHES], the distinguished second ranking member of the Committee on the Judiciary.

Mr. HUGHES. Mr. Speaker, first let me thank the gentleman from New York for yielding this time to me.

Mr. Speaker, I rise in strong opposition to this bill.

My colleague, the gentleman from Massachusetts [Mr. MARKEY], I thought, did a good job overall. I had some problems with the bill when it left the House, but I voted for it because the cable industry has enjoyed a monopoly. They have exercised that monopoly power. The service has been arrogant, and we need to regulate. There is no question about that.

But what happened in conference was the bill was bushwhacked by the broadcasters, broadcasters who see the pot of gold at the end of the rainbow.

Retransmission consent, my colleagues, if you vote for this, is going to come back to bite you, because it is going to cost consumers billions and billions of dollars.

The President of CBS, Larry Tisch, acknowledges it might be $1 billion. He does not think it is going to be $3 billion.

Let me tell you, friends, we do not know. Nobody can tell you what it is going to cost.

Retransmission consent basically says this: The broadcasters will be able to demand from the cable systems whatever they feel the market will bear for somebody else's product. We do not buy a signal. We buy a program. That is what we buy when we turn on the television set. We look at a program or programs.

The copyright owners are left out of the equation. What we have in this bill is the right of the broadcasters to demand whatever they want to demand for their signal, but we are going to continue to regulate the cable industry under compulsory license. That means what we are going to have is not a free marketplace. We are going to have a regulated marketplace for some, for the cable systems, but we are going to have a deregulated system for the broadcasters. It is going to cost us billions and billions of dollars, and it is unbalanced.

We did not work our will in conference on the copyright issues that would have given this balance, and that is unfortunate. You cannot fix the problems without doing that. It is going to cost us domestically.

It is going to cost us internationally because we are net exporters of film and everything else, signals, movies. What we are saying to the international community is that really what the broadcasters are selling, our programs, are not worth anything really in the international marketplace.

I urge you to vote against the conference report.

Mr. MARKEY. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Speaker, I thank the gentleman for yielding me this time. I salute him and the gentleman from Michigan on a job very well done.

Let me say, Mr. Speaker, I support this bill because it gives cities like Louisville and Jefferson County a chance to reregulate and to reintroduce themselves into the ratemaking functions for cable activities.

I also support the bill because it spurs competition. No longer can the local authority give out an exclusive franchise to a cable operator. There is cable programming access provided by the Tauzin amendment. There is the possibility, later of letting telephone companies get into the cable operations, delivering a cable signal over phone lines.

This bill also sets a minimum standard of consumer service and customer protection. How often do we hear from people who cannot get their telephones answered or the billing procedure described.

I am not happy with the retransmission provision, but there is a 1-year transition period before the full effects of that will be noted.

I just do not think it is rational or responsible to drop overboard this excellent piece of consumer protection legislation because we happen not to agree with one provision. Let us revisit that provision. Let us make all the changes we need in retransmission consent, but let us not kill this bill today. It is too important.

Mr. Speaker, I hope that this House supports S. 12 by a very, very wide and large margin.

Mr. LENT. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. BARTON], a distinguished member of the committee.

Mr. BARTON of Texas. Mr. Speaker, let us tell the whole truth about this bill. Much has been made of the fact that rates have gone up since cable has been deregulated, and that is a true statement; but let us tell the rest of the story. The rest of the story is that the average number of channels per cable system has gone from 6 to 35. That is a 600-percent increase.

The average basic service rate, basic tier one service rate for cable today is $18.84 a month. That is not a cable number. That is a GAO study report. We have gone from six channels to 35 and the average tier one basic service rate is $18.84 a month.

People want to get more than that, so they then subscribe to HBO, Cinemax, maybe an all-sports channel or whatever. That is a discretionary decision on their part. That is not something they have to do.

Rates are not going to go down under this bill. The proponents of the bill do not say rates are going to go down, because they know they are not. Rates are going to go up.

According to a story in the Washington Times yesterday, at a minimum rates are going to go up somewhere between $2.50 a month to $6.48 a month.

This is an entertainment medium. This is not a public necessity. As the Wall Street Journal pointed out this morning in an editorial, we do not regulate the price of Redskin football tickets. We do not regulate the price of Broadway plays. We do not regulate the price of a movie ticket at your local theater.

Under existing FCC regulations, if you are in a market that has less than six over-the-air television stations, your cable system is subject to rate regulation today.

If the local franchise authority feels that those rates being charged are unfair, why is not the FCC being beseiged with petitions to regulate? Because in point of fact the rates are not unfair. The quality of service has gone up, the quantity of service has gone up, and people are basically happy.

Mr. Speaker, vote no on this bill.

□ 1100

Mr. MARKEY. Mr. Speaker, I yield 1 minute to the gentleman from Oregon [Mr. AUCOIN].

Mr. AUCOIN. Mr. Speaker, there is no stronger endorsement of this pro-consumer bill than the millions of dollars cable monopolies have spent to try to defeat it. Their slick ad campaign, my colleagues, complete with scare tactics, has played fast and loose with the facts and with the truth. Consumers are not buying those scare tactics, and neither should this House. Since 1986, price gouging cable monopolies have hiked their rates more than twice the rate of the national inflation, and that is only the national average. For some Oregonians increases have surpassed 130 percent. If someone on that side wants to say consumers are happy with that, they ought to come out and talk to the people in Salem, OR, where that regulation has occurred.

Mr. Speaker, cable deregulation is a snapshot of the Reagan-Bush economic debacle. The big cable companies are cash cows, and consumers are the goat. It is time we dump those policies. It is time we voted yes on this conference report and gave consumers real protection against price gouging monopolies.

Vote yes on this conference report.

Mr. MARKEY. Mr. Speaker, I yield one-half minute to the gentleman from Minnesota [Mr. SIKORSKI].

Mr. SIKORSKI. Mr. Speaker, I thank the gentleman for yielding the time.

I rise in support of the conference bill and to recognize the conferees for their diligent efforts. I am particularly pleased with section 19, the program access provision, that increases the availability of programming to all multichannel video program distributors, while providing to them no lesser rights to exclusivity than are afforded cable operators with regard to the programming covered under that section.

Mr. MARKEY. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Speaker, I want to speak first to the conservatives in this body, particularly my friends on the Republican side who, in a large majority, voted for this bill when it left the House. There are two things that happened to it in conference committee neither one of which ought to trouble them.

The first thing that happened to it was that the conference committee adopted the procompetition features that we won after a good fight on this House floor, the Tauzin amendment. It is now part of this conference report.

The second thing that happened in the conference committee, too, is that some of the regulatory features of the House bill were changed so that the bill is less regulatory, more competitive, than when the bill left the House.

So I say to my colleagues, "Those of you who are conservative and believe in competitive market forces rather than regulation, whether you're a conservative Democrat or Republican, this is a good bipartisan improvement of the bill since it left the House."

Second, the conference committee adopted this thing called retransmission consent. Now for those out there in the audience who believe that consumers in a fair marketplace ought to have a say-so about what they see, and how they see it, and when they see it, I want them to think about the net effect of this retransmission consent provision. What it says, in effect, is not that the cable companies are all of a sudden going to start charging for broadcast programs. They are already doing that. They are currently taking the broadcast signal from the local broadcaster who is going out into the marketplace and bidding to cover sporting events, for example, and they are taking those signals, putting them on that cable and reselling them to us. In effect we are paying for them twice. We are paying for them commercially in the products that we buy; that is, the commercially sponsored broadcast programs. We are paying for it again when cable charges us a basic cable rate. But without this provision in the bill called retransmission consent we are paying for those programs, but cable keeps all the money. It does not share any of that money with the broadcasters.

Now my colleagues say, "Well, why has that been allowed?" That has been allowed because broadcasters wanted to be on that cable. They were willing to put that signal for free on that cable because they need to be on that cable. That does not change. They still need to be on the cable.

But the question should be not whether we are going to pay for the programs, but who gets the money and who pays for it. If we do not change the law soon, as the conference committee has recommended we change it, the money stays with the cable company. What does it do with that money? It goes out into the marketplace and bids against the broadcaster for the same sports that we have enjoyed on basic cable for all this while that we have enjoyed on the network signal. They take that sports programming and bring it back to the cable, and guess what? They elevate it to pay per view. So, we not only pay for it once and twice, we are now paying for it three times.

Mr. Speaker, I suggest to my colleagues both of these changes: less regulation, more competition, and this fairer treatment for these broadcast signals are in the interest of consumers in a good marketplace.

Mr. MARKEY. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. ECKART].

Mr. ECKART. Mr. Speaker and my colleagues, there has been a lot of anger expressed at cable TV today on this floor. I do not think we should be angry. After all, they are a monopoly, and what they are doing is the American way. They are doing what monopolies do. They are gouging their customers. They are digging deep into their subscribers' pockets, and their political tactics reflect the political tactics of monopolies. They do not want a change because a change for them means more competition and less profits.

One of my colleagues said a few moments ago, "This is about money. Why can't we really just pass a modest bill?

Let's just expose that fallacy for what it is.

Let me remind my colleagues that in 1990, on a voice vote coming from this Chamber on the Suspension Calendar, we passed a modest cable bill. It was agreed to here by the cable industry, and then it went to the Senate, and the cable companies killed it. We tried a modest bill, and cable said, "No."

We have tried a vigorous bill. Cable still says no because the monopolists want to continue to line their pockets.

This debate is Orwellian. Up is down, peace is war, and the fact of the matter

is that what we stand for is local broadcasters having the right to control their programming, local government having a say in the contracts in which they participate and the opportunity for subscribers to have a say in something for them that has become a necessity.

Now this bipartisan bill, organized in the Senate by Mr. DANFORTH, and supported by the gentleman from New Jersey [Mr. RINALDO], the gentleman from Michigan [Mr. UPTON], the gentleman from Connecticut [Mr. SHAYS] and the gentleman from Texas [Mr. FIELDS] who spoke very eloquently about retransmission consent, really is about a bipartisan effort to address the real problems that customers and consumers face. It is about an effort to say that this Congress is not out of touch, that this Congress is not in the pocket of the special interests, that this Congress has heard the cries of consumers all across America and is willing to stand up and be counted.

As my colleagues know, Time Warner, one of the big cable giants, really does not want this bill to be passed. They make a lot of money from their cop-killer lyrics, and they will make more money off of their bill-killer tactics. If this Congress caves in to the monopolists, if this Congress caves in to those who seek to deprive real opportunity for local government and local broadcasters to have their say about the kinds of entertainment and information that goes into their communities, then it is a shame on this House.

Mr. Speaker, I think the bipartisan effort that we have assembled here is truly based upon the recommendations of a wide variety of individuals that will continue rural opportunities, that will create real competition, will tell the folks that this Congress has heard its wakeup call, this Congress respects the people, this Congress stands for competition.

Mr. MARKEY. Mr. Speaker, I yield 1½ minutes to the gentleman from Maryland [Mr. MCMILLEN].

□ 1110

Mr. MCMILLEN of Maryland. Mr. Speaker, I rise in support of S. 12, the cable conference report, and commend both Chairman MARKEY and Chairman DINGELL for their efforts on this legislation.

Let us be clear, the bill we pass today provides protection for cable consumers. The bill also gives greater power to regulatory authorities to ensure that service is responsive and prices reasonable.

While I have strong concerns over any increased regulation, the bill only regulates the cable operator in the absence of effective competition.

As a New York Times editorial mentioned earlier this year:

Until the day that customers can pick and choose among multi-channel providers, re-regulation is needed.

I would briefly like to comment on two provisions which were adopted as amendments in committee and which are in this bill.

The first amendment increases the amount of educational programming offered by cable companies. It allows cable operators to substitute high-quality educational programming for unused channels currently set aside for public or leased access.

Many of these access channels currently are underutilized. The provision in the conference report will ensure that there is sufficient access for educational programming, while at the same time alleviating the problem of wasted channel space.

Television has been described as a wasteland. To offset this trend, it is important that positive, educational programming is available to everyone and be as accessible as possible.

The second amendment calls for a study to review the migration of sporting events from over the air to pay TV. The amendment requires the FCC to study the migration of programming, taking into consideration the economic and social consequences of this movement. The study will determine the effect of pay-per-view sports programming on the consumer as well as the various sports organizations. This study is an important first step toward assuring the accessibility of televised sports—especially local sports on broadcast stations.

Again, I commend both the chairman of the full committee and the chairman of the subcommittee for all their efforts in developing this legislation.

Mr. LENT. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Virginia [Mr. BLILEY], a member of the committee.

Mr. BLILEY. Mr. Speaker, the supporters of this legislation say that this legislation is needed to bring reasonable cable subscription rates and better service to the consumer. Now I am all for that goal. In fact, I strongly supported a bill that would have done that by establishing a system in which abuses in the cable industry could be corrected. Unfortunately the first time around the House passed a bill that was too heavy-handed that would actually have raised cable rates and stifled innovation and creativity. But if you think the first attempt is bad, this conference report is worse. If the first bill was petty theft; this bill is tantamount to a carjacking.

This conference report has the distinction of choosing the most extreme measures from both the House and Senate bill. What we have before us is a regulatory Christmas tree that has been trimmed with countless number of unnecessary items. The result—higher prices, less innovation, less creativity. And the kicker in the conference report is the direct tax on cable subscribers to help prop-up the broadcasters. Retransmission consent is nothing but a transfer of wealth from the poor cable subscriber to the Larry Tisch's of the world. Ladies and gentlemen, the supporters of this bill are talking about regulation, equity and the public good. But as Senator Russel Long once said: "It doesn't matter what they are talking about, they are talking about money." This is not a cable subscriber protection bill—this is about taking money from the consumer and giving it to the broadcasters.

Mr. MARKEY. Mr. Speaker, I yield 30 seconds to the gentleman from North Dakota [Mr. DORGAN].

Mr. DORGAN of North Dakota. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am voting for the conference report on regulation of cable television today because I agree that something must be done to stop some unwarranted rate increases that have occurred in some parts of this country.

I have also supported and will continue to support the program access provisions of this legislation which will help customers in rural America who rely on satellite dishes for their programming to get that programming at nondiscriminatory costs.

However, even though I am voting for the bill, I do have some concerns about how the bill will treat cable operators in the smaller markets, and especially in rural States. Many of these cable operators have not abused their market positions, they have not increased rates above inflation, and they have delivered quality services to their customers.

Some of the regulations that might make perfect sense for urban areas where you have large cable operations may not be fair to a rural cable system, and I want to be sure that we are not going to impose an undue regulatory burden upon these smaller systems.

I am concerned about provisions in the legislation that will get down to the detail of even prescribing certain office hours for cable systems. I don't think that makes much sense for the smaller system where there's never been a problem in those areas.

Also, unlike the House bill that we passed, this conference report allows cable subscribers to challenge rates. That might be acceptable for large cable systems with larger budgets and staffs, and they might easily be able to absorb the time and money needed to defend themselves from those challenges, but I don't think that's the case with the smalltown cable providers.

I'd like some assurances that these smaller cable providers, whose rates have not risen in any unreasonable way during recent years, will not have to spend most of their time justifying their rates through costly and expensive processes.

In the area of regulatory burden, there is one independent cable operator in North Dakota who serves 9,000 subscribers in 8 different communities. In one community, for example, he has told me he has only 34 subscribers. The question is, Under the customer service standards in this legislation, will this cable operator be forced to open a service office with hours, staff, telephones, and other facilities in the community in which he has only 34 subscribers, even though it would not be economically feasible for him to do so? One would expect the regulations not to include that, but when Federal regulators get their arms around this bill, you never know what's going to happen and that's my concern.

I've talked to the subcommittee chairman and asked that we in Congress hold oversight hearings on the regulatory burden to determine how this might or might not affect smaller systems. He has given me a commitment to do that, and I just wanted to say that while I'm going to vote for this conference report because I think it's needed, I am concerned about some provisions of it, and I'm going to push very hard on behalf of the smaller cable systems that they not be subjected to unreasonable and unwarranted and unjustifiable regulatory intrusions.

Mr. Speaker, I yield 30 seconds to the gentleman from Texas [Mr. HALL].

Mr. HALL of Texas. Mr. Speaker, as a member of the conference committee which completed its consideration of this legislation last week, I rise in support of the final agreement. This is not to say that I'm an ardent supporter of increasing the regulatory burden on the cable industry—I'm not. When Congress approved the Cable Act of 1984, many Members, including myself, took for granted that deregulation would foster competition in cable services, with consumers being the ultimate beneficiaries. Eight years later, however, most communities in America are still waiting for that promise of competition.

The legislation before us today would reregulate cable services in those communities which continue to have only one cable provider. As soon as effective competition in cable services develops in any given community, then cable operators in that community would once again be deregulated, and the cost and quality of service would be determined by the marketplace. I should note that the programming access amendment put forward by the gentleman from Louisiana [Mr. TAUZIN] would go a long way toward ensuring that real competition has a fair chance to develop.

I want to assure my colleagues and my constituents that it is my belief this legislation will not cause rates to increase—rather, this bill is designed to reintroduce some local government control over cable rates. With respect to the retransmission consent proposal in the bill, this simply gives a local broadcast station the option to negotiate for carriage of its signal on a cable system.

I would remind my colleagues that it was Congress that, in 1976, created the so-called compulsory license which allows cable operators to use local broadcast signals without prior consent from the broadcast station, and without compensation to that broadcast station. Congress established the compulsory license in order to give the infant cable industry a chance to grow and compete. That was 16 years ago and it did work—no one can now say that the cable industry is still a small, struggling entity requiring a special protection in the law.

This legislation gives broadcast stations a choice of two options when dealing with a local cable operator. The station can either elect to operate under must carry, in which case the station is automatically carried on the cable system for a 3-year period without compensation, or the broadcast station can choose retransmission consent, and enter into negotiations with the cable system. Nothing in this bill sets the terms for these negotiations, and nothing requires a cable system to accept the demands of a broadcast station that elects retransmission consent. If an agreement cannot be reached between the two parties, then the broadcast station is off the cable system for a 3-year period. Despite the various cost figures being offered today which suggest that cable rates will increase by $1 to $5 billion per year as a result of this legislation, no one knows with any real certainty how these negotiations between broadcast stations and cable systems will play out. This is because each negotiation will be unique—just like any other business negotiations. Many broadcast stations, in fact, are interested in arrangements that go beyond simple financial compensation—such as joint ventures, joint advertising, good channel positioning, et cetera. Without any further governmental interference, the cable industry and the broadcasters can and, I hope, will make this basic idea of business negotiation work in the marketplace.

Mr. Speaker, my point is simply this—any entity should be entitled to maintain control over who uses its own product. I strongly support the idea of retransmission consent, and I sincerely hope this Congress will turn this proposal into reality. I urge my colleagues to support this conference report.

Mr. LENT. Mr. Speaker, may I inquire how much time is remaining on both sides?

The SPEAKER pro tempore (Mr. LUKEN). The gentleman from New York [Mr. LENT] has 6 minutes remaining, and the gentleman from Massachusetts [Mr. MARKEY] has 6½ minutes remaining.

Mr. LENT. Mr. Speaker, before yielding that time, I would ask unanimous consent that statements by the gentleman from Massachusetts [Mr. MARKEY] and I be placed in the RECORD next to each other with the remarks of the gentleman from Massachusetts following mine.

The SPEAKER pro tempore. Without objection, those statements which are not in the form of a colloquy may be inserted in the RECORD.

There was no objection.

Mr. LENT. I ask for clarification on four issues from the distinguished Congressman from Massachusetts about the new provisions in the bill reported by the conference affecting home shopping stations. H.R. 4850 contained a provision which would deny mandatory must carry to those stations which are utilized predominantly for sales presentations or program length commercials, a provision which I and a number of my colleagues opposed as discriminatory and of questionable constitutional merit. I draw attention now to new provisions on this issue contained in the bill reported by the conference. The issue of whether these stations serve the public interest is now referred to the Federal Communications Commission for appropriate proceedings and the earlier discrimination against these stations applies only pending the completion of this proceeding which the FCC is required to complete within 270 days after the date of enactment of this section.

I ask my distinguished colleague now for some clarifications of this amended provision. First, it is correct, is it not, that the revised section leaves to the FCC the authority to determine the nature of the proceeding it conducts as long as the Commission meets the section's requirement for appropriate notice and opportunity for public comment?

Second, I would also like to ask about the effect of the 270-day deadline established in the conference report. It is my understanding that the new provision means that the FCC can decide this issue, assuming it meets the public comment requirement, whenever it feels it has completed its analysis as long as it does not take more than 270 days for the process. In other words, it can complete its proceeding in a much shorter period of time if it so decides.

Third, let me seek assurance on another critical point. I understand that under the terms of this provision, when the FCC makes its determination, whether in 270 days or less, those stations which it decides serve the public interest will be promptly certified as local commercial television stations and will be treated the same as other local commercial television stations under the mandatory must carry provisions of the act, provided they meet the other must carry requirements of the act.

Finally, under the new provision, it is my understanding that if the FCC determines that a station does not serve the public interest, it will have a reasonable period within which to provide different programming. In addition, such stations will not be denied a license renewal solely because their programming consists predominantly of sales presentations or program length commercials. In other words, the new proceeding on public service for these predominantly sales stations is undertaken solely for determination as to qualification under the mandatory must carry provisions, and for no other purpose.

Mr. MARKEY. Mr. Speaker, I have examined the statement of the gentleman from New York [Mr. LENT] and the gentleman's four interpretations are correct.

Mr. LENT. Mr. Speaker, I yield the balance of my time to the distinguished gentleman from Texas [Mr. BROOKS], the chairman of the Committee on the Judiciary.

Mr. BROOKS. Mr. Speaker, it is with great reluctance that I rise in opposition to the conference report on S. 12,

the Cable Television Protection Act. I was pleased to vote in favor of this bill when it was approved by the House in July. The House version offered the promise of providing well-deserved relief from skyrocketing monthly bills to cable subscribers across the Nation.

But, something happened to a good piece of legislation in conference. The conferees decided to tack on to this bill a concept called retransmission consent, a matter that is inextricably linked to the Judiciary Committee's jurisdiction over copyright matters. Mr. Speaker, this is an issue with far-reaching economic and legal consequences. Yet, it has not been subject to 1 single minute of debate on the floor of the House. At every step of the process in this body, a conscious effort was made to keep retransmission consent away from the cable bill. Then, lo and behold, the conferees magically rediscovered retransmission consent, just in time to tuck it into the conference report and send it back here to the floor of the House. So now the Members of this body are being asked to swallow retransmission consent on the basis of the assurances of our conferees that it will be good for us and our constituents. On that, I have some doubts.

Mr. Speaker, the sole purpose of the concept of retransmission consent is to provide broadcasters with what they call a new revenue stream. One of the most ardent proponents of the concept has estimated that this stream will in fact be a rushing river of revenue for the broadcasters, to the tune of $1 to $3 billion. You don't have to be a Nobel laureate in economics to figure out that it will be the cable subscribers who will be forced to pay the passed-on cable costs. I am afraid that it will take a flight of rhetoric worthy of William Jennings Bryan for us to explain to our cable-using constituents how a bill that started out as a measure to lower cable fees somehow came back to the floor of this House with this billion-dollar transfer of wealth attached to it.

Another very disturbing aspect of retransmission consent is its effect on the rights of the holders of copyrights to television programming. These legally vested rights aren't going to vanish into thin air simply by waving the magic wand of retransmission consent. As a result, what we will be doing if we enact the bill in this form is to set the stage for interminable and inevitable litigation.

Mr. Speaker, I believe that there is a way that the principles of both retransmission consent and copyright can be harmonized, and that it can be done in a way that protects the interests of cable subscribers. This bill doesn't do the job. If we defeat this conference report, we can come back in the future and work on a bill that does the job right. For these reasons, I have to urge my colleagues to vote "no" on this conference report.

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Mr. MARKEY. Mr. Speaker, I yield the balance of our time, 6½ minutes, to the gentleman from Michigan [Mr. DINGELL], the chairman of the Committee on Energy and Commerce.

Mr. DINGELL. Mr. Speaker, I begin by paying my greatest respect and affection to the distinguished gentleman from Texas [Mr. BROOKS], my dear friend, who is one of the finest men that I know, and a man with whom I have had great pride in serving.

I wanted to say that I am reminded today, as I speak, of the mighty Achilles, who sulked in his tent outside the walls of Troy and did not participate in the battle which took place. Never would I say that my dear friend from Texas had sulked in his tent, but I think it is time for us to recognize that he awakes from a rather deep sleep in a somewhat ill mood, because he had a full opportunity to name three conferees. He chose not to do so.

Had those three conferees appeared, together with the four Republican conferees, the matter would have been deadlocked and the result would have been very, very different than that which we see before us.

So I would urge my colleagues to not think that there was anything done in the dark of night here. The harsh fact of the matter is that retransmission consent has been reviewed by everybody in sight. As my good friend from Texas has observed to the House, he would anticipate that Hollywood will have full opportunity to have this question reviewed and certainly the copyright laws are within the purview of the jurisdiction of the Committee on the Judiciary. I fully anticipate, my dear friend, to look to those laws as this matter develops.

The cost estimate has been made on this bill with retransmission consent. Consumers Federation of America recognizes and says, in a study which I would show my colleagues here, that there will be a savings to American consumers of $6 billion, if this legislation is passed. The FCC recognizes that the savings to consumers is going to be $5.3 billion. That is big money. That includes retransmission consent.

Let us look then at some of the other things. This legislation passed the House by a vote of 340 to 73. It passed the Senate by 73 to 18. It is very clear that there is strong support for this legislation, and I would urge my colleagues to recognize that.

Let me tell my colleagues about something else we are finding. This is a year when people are concerned about the special interests running the Congress of the United States. Listen to those people. They are telling us that they are dissatisfied with service, which is so bad that the city of New York had to amend the charter of the cable company which serves them to assure that that cable company would simply answer the phone.

This legislation requires service improvements. It requires protection of consumers from outrageous rate increases.

Look at who opposes this bill: The cable industry, an unregulated monopoly. They want to stay an unregulated monopoly. Is that surprising? No; there is enormous economic advantage for them. Hollywood, which sees an opportunity to increase their revenue stream.

Who favors this bill? The Consumer Federation of America, the AFL–CIO, the UAW, the American Association of Retired Persons, the League of Cities, the mayors of the communities that we serve, the National Association of Rural Co-ops, the Association of State Attorneys General, and Consumers Against Special Interests.

The answer here is to listen to the people that we serve, and if we do not listen to them in an election year, listen to our pollsters. They are telling us, the people are fed up with these special interests pressuring the Congress into unwise legislation that does not serve their interests.

Control prices, assure improved service, and put reasonable restraints on monopolists.

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

Mr. DINGELL. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Speaker, let us make no bones about what this debate is over. The Committee on the Judiciary had plenty of opportunity to bring that amendment out on the floor to help Hollywood and get more revenues for Hollywood back in July. They chose not to bring the amendment out on the floor.

I do not know why they did not want to defend Hollywood in the well of the House.

Mr. DINGELL. Mr. Speaker, they chose not to participate in the conference, where they had an opportunity to have conferees appointed to carry out their views.

Mr. MARKEY. Mr. Speaker, if the gentleman will continue to yield, again the gentleman from Michigan is correct. Judiciary conferees were named to the conference committee, and yet they never showed up to fight for Hollywood to get them more revenues.

Do my colleagues know what this debate is over? This is as though Hurricane Andrew hit every consumer in America. Now we are building a tent to protect the consumers, and the broadcasters are inside. Hollywood wants to get inside, too, so they can get more revenues. In order to ensure that they get inside the tent and get more revenues, Hollywood producers are going to blow down the whole tent and give no protection to the consumers of our country against the $6 billion overcharges which the cable industry imposes every single year.

If we want to make sure that this bill is killed so that Hollywood can go back and get more of the money which they think is going to the broadcasters, more than they think they deserve, but it will still go into their pocket, not back to the consumers, then, fine, vote no. But if we want to protect the consumers in this country, make sure that we vote yes on this bill because that is the only way we are going to protect the consumers.

Mr. DINGELL. Mr. Speaker, we have a simple choice here. The consuming public of the American people want this bill. The cable industry, an unregulated monopoly, does not. The Consumer Federation of America, the AFL–CIO, the League of Cities, the Attorneys General, they want this bill.

Why? Because they know it is going to save them money and improve the service. The result of passage of this bill is that the consumers will receive needed protections. Defeat of this bill assures that the special interests will profit, will enjoy increased revenues and will, of course, be very grateful to all of those who have provided them this needed assistance.

Mr. KLECZKA. Mr. Speaker, I urge my colleagues on both sides of the aisle to vote for passage of S. 12, the cable television agreement.

By now all of us are familiar with the litany of woes arising from deregulation of the cable industry in 1984. While this action was supposed to promote competition to cable, and keep rates reasonable, it had the opposite effect. The General Accounting Office [GAO] reports cable rates rose 61 percent during this period—more than three times the inflation rate. The Justice Department found price hikes were approximately 50 percent more than they would have been in a genuinely competitive market. Perhaps most telling of all, the Consumers Federation of America [CFA] estimates the cable industry overcharges subscribers $6 billion a year.

The rate hikes, it should be emphasized, are not a result of Government action. In my view, they are due, in part, to Government inaction on behalf of consumers.

Enough is enough. The agreement before us today would restore much needed balance to the cable industry by reregulating rates and promoting competition in a meaningful way.

At least 95 percent of the cable systems operating today have little to no competition from other multichannel sources of video broadcasting. The cable agreement takes effective steps to stabilize prices. Under the conference bill, the Federal Communications Commission [FCC] must develop a procedure to determine the maximum rate allowable for the basic tier of cable service. This rate must be reasonable for subscribers, and cannot surpass what would be charged if cable systems faced real competition. The CFA estimates this provision will lower monthly rates at least 30 percent. In addition, cable operators who continue charging excessive rates would be forced to refund the overcharge amount to subscribers, and lower rates. It should be noted that once a cable system faces meaningful competition, FCC rate regulation would no longer apply.

Another key feature of the agreement would, for the first time, limit what cable operators may charge for remote control devices, converter boxes, and the installation of other home cable equipment.

The agreement does require cable operators, also for the first time, to obtain permission from local broadcasters to retransmit their programming to cable subscribers. Broadcasters, however, are not required to charge them a fee to retransmit these programs. The conference bill is flexible, allowing broadcasters to ask for benefits on the cable system, rather than forcing them to demand fees. During House and Senate hearings on cable reregulation, many local broadcasters indicated they would ask for benefits on the cable system, instead of charging fees.

While the provision is not a perfect solution to the thorny problem of retransmission, I seriously doubt it will have the effect of raising cable rates, as critics predict. If monthly bills do indeed rise, I suspect the cable companies will be doing so simply to ensure a self-fulfilling prophecy.

The cable television agreement is a responsible policy. It would rein in unfair price hikes for basic service and open the industry to competition, driving rates still lower. I urge my colleagues to vote for passage of this important proconsumer bill, and to override a veto if the need to do so arises.

Mr. LAGOMARSINO. Mr. Speaker, I will not support legislation that increases cable rates for my constituents.

I agree that Congress needs to address the problems facing cable television customers. However, I do not agree that this legislation is the right answer.

In many areas of my congressional district, my constituents do not have a choice between cable television and so-called free television. Instead, the choice is between cable television, usually from only one source, or virtually no television at all. In other words, many of my constituents have no choice at all.

In considering this legislation supposedly aimed at consumer protection and competitiveness, we must ask ourselves these important questions: Does this legislation create any more choices for the cable customer? Will this legislation protect cable customers from higher rates, or will it actually cause rates to increase? Does this legislation increase competition in the cable industry?

Clearly, the retransmission provisions of this conference report will increase the costs of doing business for cable operators. However, in the absence of effective competition among cable operators, these increased costs will get passed directly to cable customers. That means higher monthly bills and still leaves cable customers with nowhere else to turn.

I urge my colleagues to join me in rejecting this legislation that increases regulation and rates, and instead, work for the passage of a bill that increases fairness and choice for cable customers.

Mr. ROGERS. Mr. Speaker, I rise in support of the conference report on S. 12, the Cable Television Consumer Protection Act of 1992.

I believe that the cable operators in my region of Kentucky have been trying to provide the best possible service for the lowest possible cost. They generally deliver a good product and they care about their customers.

In other cases, however, I have been the recipient of many complaints from those who object to increasing rates, limited channels, or poor service. I also know that in many other parts of the Nation, these problems are more severe.

S. 12 will hopefully address those cases in which unfair rates or inadequate service are standard operating practice. The Federal Communications Commission will ensure that rates for basic cable service, as well as for the equipment used, are reasonable for the customer. Minimum service standards also will be written, so customers can count on phone calls being answered and problems solved promptly. Good cable operators—like many of mine—should not be harmed by the cable bill or the regulations which implement it. Those that fail these price and service tests will have to measure up.

Mr. Speaker, this is a tough measure, to be sure. It will require companies to control rates that have risen dramatically since deregulation. At the same time, it generally requires cable operators to carry local commercial and public television signals. Another provision prevents cable systems from forcing customers to buy a whole tier of service in order to get one or two premium channels. So the terms are tough, and I would overall favor a milder version. In fact, I supported the Lent substitute when the House first considered this issue in July. But when the Lent substitute failed, I felt compelled to support the bill on final passage.

In response to this bill, the cable industry has recently, and suddenly, expressed concerns about the higher rates it might be forced to charge customers. But there is little question that without this bill, rates would definitely increase. With this bill, we can expect the price trend to reverse, and our constituents to pay less.

The rural impact of this bill is an important consideration. Like the House version of the cable bill, the conference report requires that the FCC reduce the impact of its regulations on small operators. I would have preferred even milder treatment for very small cable operators; however, the bill does require the FCC to write rate regulations which reduce the costs of compliance for operators with 1,000 or fewer customers.

Finally, many of my constituents cannot receive cable service at all; their homes are too remote to be wired by the local cable franchise, leaving those who can afford it to purchase a home satellite dish. S. 12 helps satellite dish owners by making sure that video program producers do not overcharge satellite delivery systems for programs they provide to cable operators.

Television is an important source of entertainment and education in eastern Kentucky. Our elderly, our homebound, and our children all should be able to receive cable television, affordably and without constant service headaches.

I support this bill because, on balance, it will bring some long needed relief and an important product to cable customers, throughout Kentucky and across the Nation.

Mr. GALLO. Mr. Speaker, in July, when the House considered its cable reregulation legislation, H.R. 4850, I supported that bill because

it contained a number of meaningful consumer protection provisions and opened the door to competition, which in turn should result in lower rates and greater choices for consumers.

Today, we are considering a much different piece of legislation—one which will result either in rate increases or a reduction in community services now provided by our local cable companies.

The difference is a provision, known as retransmission consent, which places an unfair burden on every cable customer by requiring payments to broadcast stations and/or contractual agreements that run counter to the original intent of our legislation.

The consumers of this country have made their priorities quite clear. They want reliable service at reasonable rates. Our senior citizens and individuals on fixed incomes are particularly concerned.

I have heard from hundreds of my constituents—many of them seniors—over the last 2 weeks, urging me to vote no on this conference report.

They are opposed because they see retransmission consent for what it is—an anticonsumer provision that will cost them money in the long run.

Once again, Congress has taken a good idea and has turned it around. As a result, a proconsumer proposal has become a bill that consumers fear, because they have lost faith in Congress to do what it promises to do.

Mr. Speaker, I support meaningful consumer protection, but this conference report is not proconsumer.

Mr. LEVINE of California. Mr. Speaker, I rise in opposition to the conference report on S. 12, I do so reluctantly, because I strongly support many of the provisions of this bill.

There is little question that reregulation of the cable industry is in the public interest. While many exciting technologies hold great promise for injecting some meaningful competition into the cable business, those technologies are still in their infancy and are not yet ready to go toe to toe with the existing cable systems.

Far too many cable companies have taken advantage of the monopolies they hold to raise rates and offer shoddy service. Hardly a day goes by without my office being contacted by a constituent to complain about one of the cable companies which serve my district.

As much as I would like to support S. 12 I cannot, because of a glaring inequity in the conference report.

During conference the conferees added retransmission consent provision which will allow local broadcasters to charge cable companies to carry their signal. It has been estimated that this will result in a windfall profit of up to $1 billion for broadcasters. In fact, it has been estimated that this provision alone will raise cable rates by as much as $6 a month.

Yet, the networks are little more than a conduit and a compiler for programming. They are not the creative force behind the programs, nor do they take the financial risks involved with developing a series. The way this legislation is drafted only the networks will derive any money from the retransmission consent section.

Yet, the bill, as written, does not allow copyright holders to share in these revenues. This means that the broadcasters, who merely deliver the programming, are the only parties who will profit from the work of the thousands of men and women in my home State of California who earn their living in the television production industry.

Not only is this blatantly unfair, it could also complicate trade negotiations in Europe and elsewhere. How can our trade negotiators demand that European broadcasters compensate American copyright holders for programming when we do not do so ourselves?

Exports of television programs and movies make a significant contribution to reducing our international trade deficit. Loss of this revenue could be devastating to television studios and add to a rapidly increasing imbalance of payments abroad.

Legislation was pending before the House Judiciary Committee which would have solved this inequity while limiting cable rate increases to 20 cents a month. Unfortunately this alternative was not considered by the conference committee.

I am deeply disappointed that I am not able to support this legislation. However, this bill, in its current form is fatally flawed and must be fixed before it is allowed to become law.

I urge my colleagues to join with me and oppose this conference report and I hope that Congress can pass an equitable consumer protection bill during the current session.

Mr. MATSUI. Mr. Speaker, I reluctantly oppose the conference report before us.

The Cable Television Consumer Protection Act that we are considering today contains many important provisions which, if enacted, would improve the level of service provided by individual cable companies. Rate regulation, the promotion of competition within the cable industry, and consumer protection provisions are vitally important, and I am certainly not opposed conceptually to regulating the cable industry to make improvements in delivery. In fact, in July, I voted for the House cable bill because I, like so many of my colleagues, feel that it is time to put some constraints on cable operators.

My colleagues on the House Energy and Commerce Committee crafted a bill that would help cable consumers and give a boost to some potential competitors to cable. But the conference report that is before us today differs in a significant respect from the cable bill that the House passed this summer. It contains a provision known as retransmission consent, which I believe changes the balance that had been struck in the House legislation.

Retransmission consent is intended to provide a second revenue stream to broadcasters. But that revenue stream would have to come from somewhere—and I fear it might very well come from the pocketbooks of the same consumers this bill is intended to protect.

I am also concerned by the way the conference report values television signals without recognizing the value of the programs that give those signals their appeal. The reality of the modern television marketplace is that when we turn on the television set, our focus is the program, not the carrier. Viewers' allegiance is to "Cheers" and "The Cosby Show," not the station on which that program is being carried.

Yet retransmission consent allows the local broadcaster to negotiate with cable for the right to negotiate with cable for the right to carry the TV signal, but does not give the copyright owner the same opportunity. The copyright owner will continue to be compelled to give his show to cable without compensation.

I believe such a policy decision would skew the reality of the TV marketplace and send a horrible message to our trading partners overseas. U.S.-made TV shows are one of our strongest exports. America's production community generates $3.5 billion trade surplus. If this provision becomes a model all over the globe, retransmission consent revenues will flow to foreign broadcasters instead of to the copyright owners who created the programs enjoyed by foreign audience. It could cost this country millions of dollars that would flow straight to the bottom line of the U.S. trade balance.

Therefore, Mr. Speaker, I must oppose the cable conference report. It is my hope that we will have the opportunity to revisit the issue of cable regulation either this session of Congress or early in the next session so that we can pass meaningful legislation that will not be unnecessarily injurious to consumers and our trade posture.

Mr. FAZIO. Mr. Speaker, I am a strong supporter of efforts to enact proconsumer legislation to protect cable television subscribers from unreasonable rates and poor customer service. I voted for the House of Representatives' cable rate regulation bill 2 months ago, and voted for similar legislation in 1990. There is no doubt that in the absence of real competition in the cable industry, consumers need protection to ensure they are not taken advantage of by cable monopolies.

However, it is with regret that I must oppose the conference report on S. 12. When the conference committee met on this bill, a controversial provision was added which could have a devastating impact on a major industry based in my home State of California. This provision has nothing to do with bringing about reasonable cable rates or improving service. This issue was never even debated on the House floor.

The conferees agreed to a retransmission consent language, a provision which would require cable operators to negotiate with local braodcasters in order to retransmit their signal. There is indeed some merit to the arguments that broadcasters deserve compensation for the use of their broadcast signals. However, under the provisions of this conference report, the people who produce television programs would not even have a seat at the bargaining table while their copyrighted product is bought and sold.

In its current version, this provision would seriously threaten one of our biggest industries in California and the tens of thousands of Californians who earn their living in television production. At a time when our State is struggling with record high unemployment rates and an increasing budget crunch, this legislation deals one of our key industries a low blow.

This precedent could have serious repercussions worldwide. The motion picture and television industry provides us with one of our

countries biggest exports, showing one of the largest positive trade balances. The current cable bill would give foreign governments the green light to disregard U.S. copyright owners rights, resulting in the potential loss of tens of millions of dollars annually in foreign cable royalties. Our unique cultural trade asset would suffer a severe blow, ultimately damaging our State's economy and our Nation's balance of trade.

Mr. Speaker, I repeat, I will continue to support legislation to protect cable consumers. But I believe we can develop a cable bill that will be fair to both consumers and an industry so vital to the well-being of California.

Mr. GOSS. Mr. Speaker, when this House voted on July 23 overwhelmingly in support of H.R. 4850, the Cable Television Consumer Protection and Competition Act, we voted for the consumer, we voted for reasonable rates, and we voted to promote competition in the industry. It is important to keep in mind that we are being asked to vote for the very same principles today without allowing the sideshow between the cable industry and the broadcasters to steal the spotlight from the true issues.

I had my reservations in July, when I voted to reregulate the industry, and I still have my reservations today because normally I oppose Government regulation. But my vote reflects the grave concern of my constituents that without effective competition and local control against abusive practices, some elements of the cable industry will never exercise self discipline. Customers have reason for concern—over the years, there have been instances of excessive rate hikes and unresponsive customer service. Opponents to this measure argue that costs associated with reregulation will eventually drive up the cost of cable service. Depending on the source, the predictions regarding rate increases vary drastically. At this point, no one really knows what kind of increases we are talking about, if any. It is all based on hypotheses. But one thing we do know for sure is that without this measure we have every reason to believe some cable operators will continue a history of heaping unannounced and unreasonable rate increases on the consumer.

The threat of reregulation came as no surprise to the cable industry, and perhaps cable's biggest mistake was not taking the threat seriously. In my opinion, the cable industry had ample opportunity to corral its bad operators and prove to the consumers that it had the inclination and the ability to regulate itself. But the industry as a whole did not live up to this challenge. Because of this and the strong message of my constituents, the cable industry has left me no choice but to vote for the conference report.

Mr. HOUGHTON. Mr. Speaker, the cable bill has brought about strong emotions and expensive advertising. I supported the bill. The cable bill can be broken into two issues: Price and access. This legislation, I hope, will make prices more competitive. It will provide cable programming, at reasonable rates, for rural residents who now have access to cable.

A little bit of background. Cable rates were deregulated by Congress, in 1984, to help cable companies produce a reasonable return on their significant investment. As a result, the cable companies were allowed to set their own prices with no Government intervention. But this was a solution to only half the problem. Congress did not take the second step. It did not provide a competitive alternative, or access for others to enter the market.

My preference is and will continue to be to open the market. This is the proven American way to restrain price excesses. But that was not to be. The bill that emerged is far from perfect, but it is a step forward, tc correct certain features from the 1984 bill—allowing cable companies to operate with no oversight.

This bill asks the cable programming companies to share programs at a reasonable price. This will help those people in rural areas of the southern tier and Finger Lakes regions where cable is not available, since their only alternative is to install a satellite dish.

Mr. CAMP. Mr. Speaker, I rise in opposition to the conference report because this is not the bill I voted for 2 months ago.

The bill I voted for protected consumers, this bill does not. The bill I voted for encouraged competition, this bill discourages competition. The bill I voted for lowered cable rates for cable customers, this bill will raise rates.

A Detroit Free Press article quotes the bill's sponsor, Congressman MARKEY as saying the bill will not lower rates, but that "rates would only go up less than without this legislation."

What has happened over the last 2 months is the classic bait-and-switch tactic. This bill as advertised 2 months ago was a good bill. But suddenly, the bill we will vote on today isn't what we bargained for.

Now we have a bill that will force consumers to pay for programs they now get for free. Now we have a bill that has become a Washington bureaucrat's dream, and nightmare for rural cable consumers.

This bill, by failing to provide regulatory relief for small, rural cable companies, and by imposing retransmission consent, will force cable consumers in rural America to pay much more for cable service or receive none at all.

Even worse, retransmission consent will drive small cable companies out of business, leaving huge cable operators to step in and buy them out.

In my rural mid-Michigan district, consumers in rural counties and townships like Isabella, Broomfield, and Woodland are served by cable companies that provide service to less than 100 customers.

These consumers don't want their service provided by some big, unresponsive, cable company giant.

But that's what this bill will do. It will drive out of business small cable firms that can't pay retransmission consent or keep up with the regulatory paperwork blizzard this bill will create.

My friends, retransmission consent will do to cable what slotting allowances have done to air travel, kill competition and allow a few huge companies to drive up costs and buy out smaller competitors.

Again, that's not what was advertised 2 months ago.

I urge my colleagues to vote against this conference report. Defeat this defective bill, send it back to conference, and send a message to the conferees that we won't stand for bait and switch, we want what every consumer wants—the product that was advertised 2 months ago.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

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

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

Mr. LENT. 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 quroum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 280, nays 128, answered "present" 1, not voting 23, as follows:

[Roll No. 398]

YEAS—280

Abercrombie	Duncan	Kildee
Ackerman	Durbin	Kleczka
Alexander	Dwyer	Klug
Anderson	Dymally	LaFalce
Andrews (ME)	Early	Lancaster
Andrews (TX)	Eckart	Lantos
Annunzio	Edwards (CA)	LaRocco
Applegate	Edwards (TX)	Leach
Aspin	Emerson	Lehman (CA)
AuCoin	Engel	Lehman (FL)
Bacchus	English	Levin (MI)
Barrett	Erdreich	Lewis (FL)
Bateman	Espy	Lewis (GA)
Beilenson	Evans	Lightfoot
Bennett	Ewing	Lipinski
Bentley	Fish	Livingston
Bereuter	Flake	Lloyd
Bevill	Foglietta	Long
Bilbray	Ford (MI)	Lowey (NY)
Bilirakis	Ford (TN)	Machtley
Blackwell	Frost	Manton
Boehlert	Gallegly	Markey
Bonior	Gaydos	Marlenee
Boucher	Gejdenson	Martinez
Brewster	Gephardt	Mavroules
Browder	Geren	Mazzoli
Brown	Gilchrest	McCloskey
Bruce	Gilman	McCollum
Bryant	Glickman	McCurdy
Bunning	Gonzalez	McDermott
Byron	Goss	McGrath
Callahan	Grandy	McHugh
Cardin	Green	McMillan (NC)
Carper	Guarini	McMillen (MD)
Carr	Gunderson	McNulty
Chapman	Hall (TX)	Meyers
Clay	Hamilton	Mfume
Clement	Harris	Michel
Coble	Hatcher	Miller (CA)
Coleman (MO)	Hayes (IL)	Miller (WA)
Coleman (TX)	Hefner	Mineta
Collins (IL)	Henry	Mink
Collins (MI)	Hertel	Moakley
Condit	Hoagland	Molinari
Cooper	Hochbrueckner	Mollohan
Costello	Horn	Montgomery
Cox (IL)	Houghton	Moody
Coyne	Hoyer	Moran
Cramer	Hubbard	Morella
Darden	Hutto	Morrison
Davis	Inhofe	Mrazek
DeFazio	Jacobs	Nagle
DeLauro	Jefferson	Natcher
Dellums	Jenkins	Neal (MA)
Derrick	Johnson (SD)	Neal (NC)
Dicks	Johnston	Nichols
Dingell	Jones	Nowak
Donnelly	Jontz	Nussle
Dooley	Kaptur	Oakar
Dorgan (ND)	Kasich	Oberstar
Downey	Kennelly	Obey

Olver	Sangmeister	Tanner
Ortiz	Sarpalius	Tauzin
Owens (NY)	Sawyer	Taylor (MS)
Pallone	Schiff	Taylor (NC)
Panetta	Schulze	Thomas (GA)
Patterson	Schumer	Thomas (WY)
Payne (VA)	Serrano	Thornton
Pease	Sharp	Torricelli
Pelosi	Shaw	Traficant
Peterson (FL)	Shays	Traxler
Petri	Sikorski	Unsoeld
Porter	Sisisky	Upton
Poshard	Skeen	Valentine
Price	Skelton	Vento
Quillen	Slattery	Visclosky
Rahall	Slaughter	Volkmer
Ramstad	Smith (FL)	Walsh
Rangel	Snowe	Washington
Ravenel	Solarz	Waxman
Ray	Spence	Wheat
Reed	Spratt	Whitten
Rinaldo	Staggers	Williams
Roberts	Stallings	Wise
Roe	Stark	Wolf
Roemer	Stearns	Wolpe
Rogers	Stenholm	Wyden
Ros-Lehtinen	Stokes	Wylie
Rose	Studds	Yates
Rostenkowski	Sundquist	Yatron
Roth	Swett	Young (AK)
Rowland	Swift	Young (FL)
Sabo	Synar	
Sanders	Tallon	

NAYS—128

Allard	Gingrich	Orton
Allen	Goodling	Oxley
Andrews (NJ)	Gradison	Packard
Archer	Hall (OH)	Parker
Armey	Hammerschmidt	Pastor
Baker	Hancock	Paxon
Ballenger	Hansen	Payne (NJ)
Barton	Hastert	Penny
Berman	Hefley	Peterson (MN)
Bliley	Herger	Pickett
Boehner	Hobson	Pursell
Borski	Holloway	Regula
Brooks	Hopkins	Rhodes
Burton	Horton	Richardson
Bustamante	Hughes	Ridge
Camp	Hunter	Ritter
Campbell (CA)	Hyde	Rohrabacher
Campbell (CO)	Ireland	Roukema
Clinger	James	Roybal
Combest	Johnson (CT)	Russo
Coughlin	Johnson (TX)	Santorum
Cox (CA)	Kanjorski	Saxton
Crane	Kolbe	Schaefer
Cunningham	Kolter	Schroeder
Dannemeyer	Kopetski	Sensenbrenner
de la Garza	Kostmayer	Shuster
DeLay	Kyl	Skaggs
Dickinson	Lagomarsino	Smith (IA)
Dixon	Laughlin	Smith (NJ)
Doolittle	Lent	Smith (OR)
Dornan (CA)	Levine (CA)	Smith (TX)
Dreier	Lewis (CA)	Solomon
Edwards (OK)	Lowery (CA)	Stump
Fawell	Martin	Thomas (CA)
Fazio	Matsui	Torres
Feighan	McCandless	Vander Jagt
Fields	McDade	Vucanovich
Frank (MA)	McEwen	Walker
Franks (CT)	Miller (OH)	Weldon
Gallo	Moorhead	Wilson
Gekas	Murphy	Zeliff
Gibbons	Myers	Zimmer
Gillmor	Olin	

ANSWERED "PRESENT"—1

Luken

NOT VOTING—23

Anthony	Gordon	Pickle
Atkins	Hayes (LA)	Riggs
Barnard	Huckaby	Savage
Boxer	Kennedy	Scheuer
Broomfield	McCrery	Towns
Chandler	Murtha	Waters
Conyers	Owens (UT)	Weber
Fascell	Perkins	

□ 1149

The Clerk announced the following pairs:

On this vote:

Mr. Riggs for, with Mr. Barnard against.

Mr. Hayes of Louisiana for, with Mr. McCrery against.

Mr. WILSON changed his vote from "yea" to "nay."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. LUKEN. Mr. Speaker, I have recently entered into a contract, which will be effective January 4, 1993, with a broadcasting company which has a substantial interest in both the broadcasting and cable industries. For this reason I have voted "present" on the conference report for S. 12, the Cable Television Consumer Protection Act in order to avoid the appearance of a conflict of interest.

□ 1150

GENERAL LEAVE

Mr. MARKEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material, on the conference report on the Senate bill, S. 12.

The SPEAKER pro tempore [Mr. LUKEN]. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

APPOINTMENT OF MEMBERS TO ATTEND THE FUNERAL OF THE LATE HONORABLE WALTER B. JONES

The SPEAKER pro tempore (Mr. LUKEN). Pursuant to House Resolution 567, the Chair, without objection, appoints the following Members on the part of the House as members of the funeral committee of the late WALTER B. JONES:

Mr. ROSE of North Carolina;
Mr. FOLEY of Washington;
Mr. GEPHARDT of Missouri;
Mr. BONIOR of Michigan;
Mr. HOYER of Maryland;
Mr. HEFNER of North Carolina;
Mr. NEAL of North Carolina;
Mr. VALENTINE of North Carolina;
Mr. COBLE of North Carolina;
Mr. MCMILLAN of North Carolina;
Mr. BALLENGER of North Carolina;
Mr. LANCASTER of North Carolina;
Mr. PRICE of North Carolina;
Mr. TAYLOR of North Carolina;
Mr. ROSTENKOWSKI of Illinois;
Mr. PICKLE of Texas;
Mr. DE LA GARZA of Texas;
Mr. ALEXANDER of Arkansas;
Mr. ANDERSON of California;
Mr. ROE of New Jersey;
Mr. LENT of New York;
Mr. STUDDS of Massachusetts;
Mr. DERRICK of South Carolina;
Mr. HUBBARD of Kentucky;
Mr. HUGHES of New Jersey;
Mr. DICKS of Washington;
Mr. JENKINS of Georgia;
Mr. VOLKMER of Missouri;
Mr. DAVIS of Michigan;
Mr. HUTTO of Florida;
Mr. STENHOLM of Texas;
Mr. TAUZIN of Louisiana;
Mr. FIELDS of Texas;
Mr. HERTEL of Michigan;
Mr. BATEMAN of Virginia;
Mr. BORSKI of Pennsylvania;
Mr. CARPER of Delaware;
Mr. ROWLAND of Georgia;
Mr. TALLON of South Carolina;
Mrs. BENTLEY of Maryland;
Mr. CALLAHAN of Alabama;
Mr. TRAFICANT of Ohio;
Mr. HOCHBRUECKNER of New York;
Mr. PICKETT of Virginia;
Mr. RAVENEL of South Carolina;
Mr. GOSS of Florida;
Mr. LAUGHLIN of Texas;
Mr. MCNULTY of New York;
Mr. TAYLOR of Mississippi;
Mr. JEFFERSON of Louisiana;
Mr. BLACKWELL of Pennsylvania; and
Mr. FALEOMAVAEGA of American Samoa.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 1-minute speeches.

NEBRASKA VERSUS WASHINGTON CONTEST WILL DISAPPOINT CORNHUSKERS

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

Mr. DICKS. Mr. Speaker, I am pleased and honored to join my great friend and colleague from Nebraska, PETER HOAGLAND, in apprising the House of an important athletic rematch that will be taking place this Saturday evening in Seattle. The co-national champion University of Washington Husky football team will be hosting the Nebraska Cornhuskers this year, following the Husky's stunning 36 to 21 win last fall in Lincoln. I know that it's been a long year in the Cornhusker State since the humiliating fourth-quarter collapse that the team suffered against the Huskies. And I know that the team has come to Seattle single-mindedly for revenge in this nationally televised contest. I accept Congressman HOAGLAND's contention that his team has grown in character and experience through its defeat last year, but I am afraid that more growth is in store for the team this Saturday night. The University of Washington Huskies, well on their way to a repeat national championship, will

generously provide another character-building lesson in humility and send the men from Lincoln back to the flatlands emptyhanded. My confidence in my alma mater is unwavering, moving me to offer to my friend from Nebraska the wager of a bushel of the world's best and the most nutritious Washington State apples to match his ill-advised, though well-intentioned, offer. The Nebraska State motto is "Equality Before the Law," but I just want to warn my colleague that at Husky Stadium the motto is "There Are No Equals." Mr. Speaker, I thank the Chair for providing me with the opportunity to apprise and advise the Members of the House of Representatives about this important upcoming event.

NEBRASKA VERSUS WASHINGTON CONTEST WILL DISAPPOINT HUSKIES

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

Mr. HOAGLAND. Mr. Speaker and colleagues, I am more than pleased to be here today and to enter into this agreement with my great friend, the gentleman from Washington [Mr. DICKS], about the football game.

Now, the Huskers are going to Washington Saturday night to beat the Huskies. Last year they beat us in Lincoln, but this year we are going to even the score in the State of Washington.

I will tell you, I am so confident the Cornhuskers are going to win this game that even if NORM DICKS himself suited up again as a middle linebacker as he used to years ago, I know that we would still win the game.

What we have decided to do is wager a crate of oranges against a bushel of apples. The reason we are wagering a crate of oranges is because we are confident we are going to go to the Orange Bowl to represent the Big Eight this year. As a matter of fact, last night I visited with a member of the selection committee from the Orange Bowl and have some information for Tom Osborne, Coach Osborne, about that conversation.

But let me tell you that comparing the Huskers with the Huskies this year is like comparing apples and oranges. There is really no comparison. Just this morning the Associated Press predicted that Nebraska would prevail on a score of 27 to 24. Personally I think that is too conservative. I think we are going to prevail by a much wider margin than that.

In any event, I am pleased to accept the challenge. We look forward to the game, the televised game, Saturday night.

PRIORITY REFORMS FOR A NEW HOUSE

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

Mr. SOLOMON. Madam Speaker, considering the debacle that just took place on this floor, you might be interested in this statement.

Madam Speaker, in a bipartisan spirit of overhauling the antiquated and gridlocked legislative machinery of this body, I yesterday introduced the Priority Reforms for a New House Resolution of 1992.

This is a series of some 14 amendments to House rules designed to make the legislative process in this body more orderly, accountable, and deliberative.

Let us face it, Madam Speaker, we are partly responsible for the problem of legislative gridlock because of the archaic procedures and bureaucracy that have built-up like barnacles in this body.

We can hardly oversee and control the executive bureaucracy when we remain enmeshed in our own legislative bureaucracy of tangled jurisdictions, multiple referrals, multitudinous subcommittees and staff, and a duplicative and a topsy-turvy process of authorizing, appropriating and budgeting.

The time has come for us to resolve to do the people's business in a more business-like manner of orderly scheduling, focused responsibilities, and deliberative legislating.

Among other things, my reforms would—

Reduce the number of subcommittees, member assignments and staff;

Abolish proxy voting, one-third quorums, and multiple referrals;

Abolish select committees;

Require a clear legislative schedule each year and early committee organization;

Require the adoption of committee oversight agendas; and

Require the reporting of authorizations by May 15.

I appeal to my colleagues on both sides of the aisle: Let us make the new House work from the start. Adopt my priority reforms for a new House.

If you do not, the voters are liable to clean House.

INTRODUCTION OF THE PROFESSIONAL TRADE SERVICE CORPS LEGISLATION

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

Ms. KAPTUR. Madam Speaker, today the U.S. trade deficit again rang in at over $7.82 billion in the red, the worst performance in over 20 months, another flood of imports coming onto our shores and only a trickle of U.S. goods made here sent abroad.

Those numbers represent a loss of another 180,000 jobs in this country.

One key reform essential to stemming the hemorrhage in our U.S. marketplace is to upgrade the skill level of our U.S. trade negotiators to move our products into foreign markets and to assure that our trade negotiators are trustworthy.

The bill I am introducing today, the professional trade service corps, would accomplish these goals by creating an elite professional body of American trade negotiators. Just like diplomats in our Foreign Service, our trade representatives are America's conveyors of our Nation's economic and political interests.

We would not allow graduates of West Point to lead foreign armies against our country. We should not allow trade negotiators trained at taxpayer expense to leave Government service and represent foreign interests against the best interests of our Government. We must treat this situation as seriously as any international conflict.

Train our trade representatives accordingly, and hold them accountable.

Please join me in cosponsoring the Professional Trade Service Corps of 1992.

INTRODUCING A RESOLUTION CALLING FOR AN ETHICS PROBE

(Mr. COMBEST asked and was given permission to address the House for 1 minute and to revise and extend his remarks, and include extraneous matter.)

Mr. COMBEST. Madam Speaker, it is my intention on Friday to call up as a question of privilege pursuant to rule IX (rule 9) of the rules of the House, a resolution calling for an investigation by the Committee on Standards of Official Conduct into possible unauthorized disclosures by Banking Committee Chairman HENRY GONZALEZ of classified information in violation of the rules of the House. This resolution updates House Resolution 539, introduced on August 4, by the minority leader, BOB MICHEL. This update was necessitated by Chairman GONZALEZ' latest disclosure on September 14.

It is my hope that the majority leadership will allow a full and open debate on this question, which I consider to have both national and international ramifications. Madam Speaker, I am inserting a copy of my resolution for the RECORD at this point, as follows:

H. RES. —

Whereas on March 2, 1992, Representative Henry B. Gonzalez knowingly and willfully inserted in the Congressional Record documents of the Executive Branch bearing markings indicating that they were classified for reasons of national security;

Whereas on July 7, 1992, Representative Gonzalez willfully disclosed information from a purported Central Intelligence Agency intelligence document which he publicly acknowledged at that time to be classified;

Whereas on September 14, 1992, Representative Gonzalez willfully disclosed information from a Central Intelligence Agency document classified as "Secret" in its entirety, which he acknowledged is still classified;

Whereas the Director of Central Intelligence, Robert M. Gates, has indicated in writing that Representative Gonzalez's "statement in the Congressional Record on 7 July 1992 included information from a TOP SECRET compartmented and particularly sensitive document" to which the Central Intelligence Agency had given his committee staff access;

Whereas the Director of Central Intelligence further stated in writing to Representative Gonzalez, regarding his July 7, 1992, statement in the Congressional Record, that, "Because of the sources and methods underlying that information, I will ask for a damage assessment to determine the impact of the disclosure. I regret that you chose to discuss information from classified documents without attempting to determine if we could work out a way to satisfy . . . our need to protect intelligence sources and methods";

Whereas the Acting Director of Central Intelligence, Admiral William O. Studeman, has confirmed in writing to Representative Gonzalez that portions of statements in the Congressional Record by Representative Gonzalez on July 21 and 27, 1992, "were drawn from classified intelligence documents, some of which are Top Secret, compartmented, and particularly sensitive";

Whereas the Acting Director of Central Intelligence has stated in writing to Representative Gonzalez, regarding his statements in the Congressional Record of July 21 and 27, 1992, that, "I have asked the Office of Security of the Central Intelligence Agency to undertake a review of your statements in order to determine the impact of the disclosures of intelligence information on intelligence sources and methods";

Whereas the Department of State has confirmed in writing that, over a number of days, Representative Gonzalez "inserted into the Congressional Record the full text of at least fourteen classified documents generated by the Department of State," and the Department of State indicated further that those documents "contain classified information involving sensitive diplomatic discussions";

Whereas the Treasury Department has indicated in writing "very serious concerns" over Representative Gonzalez's "disclosures of classified information in the Congressional Record" which included information from a classified Treasury Department document;

Whereas on numerous other occasions Representative Gonzalez has knowingly and willfully disclosed in the Congressional Record information from Executive Branch documents which are apparently classified for reasons of national security;

Whereas the classified documents in question were apparently made available to the Committee on Banking, Finance and Urban Affairs by Executive Branch agencies in good faith cooperation with a committee investigation and with the expectation that access would be restricted to persons with appropriate security clearances;

Whereas the public disclosure of information from the classified documents in question was not necessary for legitimate legislative oversight, and the Committee on Banking, Finance and Urban Affairs apparently has not voted to disclose publicly those classified documents;

Whereas the public disclosure of the contents of the classified documents in question appears to be detrimental to the national security and foreign policy interests of the United States;

Whereas the conduct of Representative Gonzalez raises serious questions of possible violations of Clauses 1 and 2 of Rule XLIII (Code of Official Conduct) and possibly of Clause 2(k)(7) of Rule XI (Rules of Procedures for Committee) of the House;

Whereas the knowing, unilateral and unauthorized disclosure of classified information by Representative Gonzalez seriously imperils the spirit of mutual cooperation and trust between the Congress and the Executive Branch so critical to effective legislative oversight;

Whereas the nature and gravity of the conduct of Representative Gonzalez is such that the reputation and dignity of the House as an institution and the integrity of its proceedings, especially its oversight activities, may well be adversely affected;

Whereas Representative Gonzalez willfully continues to disclose publicly information from classified documents; and

Whereas in the interest of a prompt and fair resolution of the serious questions raised regarding the apparent unauthorized disclosure of classified information in seeming violation of the Rules of the House of Representatives: Now, therefore, be it

Resolved, That the Committee on Standards of Official Conduct is directed to investigate whether Representative Gonzalez has, during the Second Session of the One Hundred and Second Congress, publicly disclosed classified information in the Congressional Record, and in so doing violated the Rules of the House of Representatives or any duly constituted committees. All other committees, and all Members, officers, or employees of the House who may have information relevant to this investigation are directed to cooperate promptly with the Committee on Standards subject to procedures the Committee shall adopt necessary to protect from unauthorized disclosure classified information which may be transmitted to the Committee pursuant to this investigation. The Committee on Standards of Official Conduct shall promptly report its findings and any recommendations to the House.

□ 1200

PRESIDENT BUSH SHOULD NOT VETO THIS CABLE LEGISLATION

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

Mr. DEFAZIO. Madam Speaker, today the House, with a large majority, finally admitted that it made a mistake in the 1980's when it accepted the arguments of the Reagan administration and totally deregulated the monopoly cable industry. Rates skyrocketed, service deteriorated, and the promised era of competition never happened.

This cable bill will restore local authority to control cable rates in 95 percent of the television markets where they now have a monopoly power, it will promote multichannel competitors to cable television, and let the market take over once real competition exists.

The bill has been opposed by the cable companies, who actually lied in inserts enclosed in the bill to all of their customers. This bill explicitly gives local government the authority to lower cable rates, and rates will be lowered in the future if this bill is signed by the President.

That is the big question mark: Will the President admit that he too made a mistake, that he should side for once with the consumers and not the special interests; or will he side with his son, the same one who bankrupted the savings and loan in Colorado, who is now a special consultant for the cable television industry, who is whispering in his father's ear, "Veto this bill. You don't care about consumers. These people will fill your coffers with money come the election."

This is a vote for the American people, a proud day in the House of Representatives, and we have a chance to stand the President down on this issue.

HAPPY BIRTHDAY TO PEGGY C. SAMPSON

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

Mr. YOUNG of Alaska. Madam Speaker, listening to my colleagues and to all the sadness in this great world of ours and in this Nation, today is a happy day, it is a day where we can wish a happy birthday to Peggy Sampson.

Peggy, as you know, is one of our great workers on this floor, who not only takes care of each one of us in our trials and tribulations, delivers our phone messages, and takes care of our pages, she is the protector of those pages and does an excellent job. In fact, she could be called "mom."

She provides guidance to us many times as to what is going on on this floor. She is a great help to us, and I just wanted to wish Peggy Sampson a happy birthday today.

RECESS

The SPEAKER pro tempore (Ms. HORN). Pursuant to the order of the House of Wednesday, September 16, 1992, the Chair declares the House in recess subject to the call of the Chair. Bells will be rung 15 minutes before the House reconvenes.

Accordingly (at 12 o'clock and 2 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1805

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. GEPHARDT] at 6 o'clock and 5 minutes p.m.

PERMISSION TO PASS OVER SENATE AMENDMENT NO. 57 TO CONFERENCE REPORT ON H.R. 5373, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1993

Mr. BEVILL. Mr. Speaker, I ask unanimous consent that Senate amendment numbered 57 be passed over and that at that time the House proceed to the disposition of the final amendment in disagreement, amendment numbered 58, and further that consideration of Senate amendment numbered 57 be in order when subsequently called up by the manager.

The SPEAKER pro tempore (Mr. GEPHARDT). Is there objection to the request of the gentleman from Alabama?

There was no objection .

GENERAL LEAVE

Mr. BEVILL. 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 on the bill, H.R. 5373, as well as the Senate amendments reported in disagreement, and that I may include extraneous material and tables.

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

There was no objection.

CONFERENCE REPORT ON H.R. 5373, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1993

Mr. BEVILL. Mr. Speaker, pursuant to the unanimous-consent agreement of Wednesday, September 16, 1992, I call up the conference report on the bill (H.R. 5373) making appropriations for energy and water development for the fiscal year ending September 30, 1993, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the order of the House of Wednesday, September 16, 1992, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of September 15, 1992, at page 25019.)

The SPEAKER pro tempore. The gentleman from Alabama [Mr. BEVILL] will be recognized for 30 minutes, and the gentleman from Indiana [Mr. MYERS] will be recognized for 30 minutes.

Mr. SLATTERY. Mr. Speaker, I am opposed to the conference committee report in its present form, and I request the time be apportioned to an opponent of the conference report under clause 2 of rule XXVIII.

The SPEAKER pro tempore. Is the gentleman from Indiana [Mr. MYERS] opposed to the conference report.

Mr. MYERS of Indiana. Mr. Speaker, I am not.

The SPEAKER pro tempore. In that case, each Member will be recognized for one-third of the time of 60 minutes. The gentleman from Alabama [Mr. BEVILL] will be recognized for 20 minutes, the gentleman from Kansas [Mr. SLATTERY] will be recognized for 20 minutes, and the gentleman from Indiana [Mr. MYERS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Alabama [Mr. BEVILL].

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

Mr. Speaker, I am pleased to present the conference report on the fiscal year 1993 Energy and Water Development appropriations bill for your favorable consideration. Our colleagues will recall that debate on this bill occurred in the House on June 17, and the bill was passed by a vote of 365 to 51. The Senate passed the bill by voice vote on August 3.

Mr. Speaker, our conference committee meeting was held on Tuesday, September 15. I wish to compliment our friends from the other body, particularly the Senator from Louisiana [Mr. JOHNSTON], the chairman of the Senate subcommittee, and the Senator from Oregon [Mr. HATFIELD], the ranking minority member, for the fine spirit of compromise displayed in the conference meeting. I also wish to thank my colleagues, the House conferees, for their support and their valuable contributions during the conference deliberations.

Now I would like to comment on various aspects of the conference agreement.

In total the conference agreement is about $400 million below the President's budget request.

Mr. Speaker, for the various agencies and programs under the jurisdiction of the Energy and Water Development Subcommittee, the committee of conference recommends $22,079,547,000 in new budget authority. This amount is $386,391,000 below the budget request, $681,579,000 above the House bill and $197,000 above the Senate bill.

For defense programs, the funding is just $4,000 less than the budget request of $12,131,629,000. For domestic programs, the bill is $386,387,000 below the budget request of $10,334,309,000.

The conference agreement we present to you today is the culmination of many months of effort on the part of the House committee and the same review by the Senate committee. During this period we have heard testimony from hundreds of witnesses—contained in eight hearing volumes of thousands of pages.

The House considered the energy and water development appropriations bill on the floor in 1 day. The Senate had a total of 59 numbered amendments to the bill. But, within those 59 amendments, there were over 400 individual items in disagreement. The conference agreement represents the best efforts of the House and Senate conferees to achieve consensus on each of those items. Many items had to be reduced or changed to accomplish agreement with the Senate. In addition, we had to keep in mind the need to have a bill that was acceptable to the administration.

Your House conferees did their best to maintain the House position. However, to bring back a conference report that is within the budget allocation for the energy and water development programs, a great many items had to be compromised.

We would like more money for energy and the water projects. But, we have only limited funds for these items, and therefore, we cannot provide all of the funds for all of the programs and projects to the extent we would like.

Mr. Speaker, the conference agreement contains $3,667,133,000 in title I for the Army Corps of Engineers. This is $3,463,000 higher than the bill as passed by the House and $34,603,000 more than the Senate-passed bill. These funds will finance 510 water resources projects in the planning or construction phase, and provide for urgently needed operation and maintenance activities at completed projects.

For title II, the Bureau of Reclamation, the conferees recommend a total of $816,715,000 which is $9,110,000 less than the House-passed bill and $9,384,000 more than the Senate-passed bill. This will fund 116 water resources projects in the planning or construction phase and provide funds for operation and maintenance of 37 projects.

In my view, the conference agreement provides for a financially prudent and environmentally sound water resources development program.

The conference agreement contains $17,158,759,000 for the Department of Energy programs in title III. This includes $3,015,793,000 for energy supply, research and development activities; $384,529,000 for power marketing administrations; $275,071,000 for the nuclear waste disposal fund; and $1,417,784,000 for general science and research activities. The energy accounts include $254,000 for solar, geothermal, hydropower, and electric energy systems and storage; $311,454,000 for nuclear energy; $339,710,000 for magnetic fusion; and $859,700,000 for basic energy sciences. In addition, funding of $517,000,000 has been provided for the superconducting super collider. The conference agreement provides a total of $12,118,625,000 for atomic energy defense activities. Within this bill, $5,541,241,000 is provided for defense and nondefense environmental restoration and cleanup activities which is an increase of $1,258,074,000 over the fiscal year 1992 funding level.

Mr. Speaker, the conference agreement includes $363,036,000 for eight independent agencies and commissions

in title IV, including the Appalachian Regional Commission, the Nuclear Regulatory Commission, and the Tennessee Valley Authority.

Mr. Speaker, there is also a provision in this bill pertaining to a nuclear weapons test ban. It provides for a short moratorium in fiscal year 1993, limits the number of tests which can be conducted over the next 4 years, permits congressional disapproval of the President's annual test plan, limits testing after September 30, 1996, unless another country has conducted a nuclear weapons test which is counter to the security interests of the United States, and outlines a process by which the President could propose to the Congress to conduct a nuclear explosive testing after 1996 if it is in the urgent national interest for the purpose of safety only.

The administration has not yet agreed to the nuclear weapons test ban provision included in the conference agreement. We will continue to work on this issue to arrive at a compromise which is agreeable to both the Congress and the administration.

Mr. Speaker, I strongly urge the Members to support the hard work of my subcommittee and pass the conference report and amendments which will be presented to the House.

Mr. Speaker, at this point I would like to insert a table in the RECORD which summarizes the financial aspects of the conference agreement.

I would like to call the Members' attention to several minor printing errors in the conference report printed in the September 15, 1992, CONGRESSIONAL RECORD.

On page H8466, column three, under amendment No. 9, "Harlem, Kentucky" should be "Harlan, Kentucky"

On page H8469, column two, under amendment No. 22, section 103, "to conducted" should be "be conducted".

On page H8518, column one, under amendment No. 37, "$3,105,739,000" should be "$3,015,793,000".

On page H8573, column three, under amendment No. 57, the word "reaction" in subparagraph (h) should be "section".

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

Energy and Water Development (H.R. 5373)

	FY 1992 Enacted	FY 1993 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - DEPARTMENT OF DEFENSE - CIVIL						
DEPARTMENT OF THE ARMY						
Corps of Engineers - Civil						
General investigations	194,427,000	169,745,000	177,831,000	156,450,000	175,780,000	-18,647,000
Construction, general	1,284,142,000	1,230,488,000	1,325,502,000	1,363,937,000	1,360,503,000	+76,361,000
Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee	353,437,000	347,722,000	365,432,000	351,182,000	351,182,000	-2,255,000
Operation and maintenance, general	1,535,229,000	1,524,534,000	1,551,905,000	1,522,961,000	1,541,668,000	+6,439,000
Regulatory program	86,000,000	92,565,000	86,000,000	86,000,000	86,000,000	.....
Flood control and coastal emergencies	15,000,000	15,000,000	15,000,000	10,000,000	10,000,000	-5,000,000
General expenses	142,000,000	156,717,000	142,000,000	142,000,000	142,000,000	.....
Total, title I, Department of Defense - Civil, new budget (obligational) authority	3,610,235,000	3,536,771,000	3,663,670,000	3,632,530,000	3,667,133,000	+56,898,000
TITLE II - DEPARTMENT OF THE INTERIOR						
Bureau of Reclamation						
General investigations	13,554,000	12,680,000	13,700,000	12,390,000	12,540,000	-1,014,000
Construction program	564,209,000	460,634,000	470,568,000	466,334,000	470,568,000	-93,641,000
Operation and maintenance	258,685,000	274,760,000	284,010,000	269,760,000	274,760,000	+16,075,000
Loan program	2,890,000	1,000,000	2,802,000	4,102,000	4,102,000	+1,212,000
(Limitation on direct loans)	(3,240,000)	(2,060,000)	(5,060,000)	(6,000,000)	(8,000,000)	(+4,760,000)
General administrative expenses	53,745,000	56,850,000	53,745,000	53,745,000	53,745,000	.....
Emergency fund	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	.....
Working Capital fund	5,900,000	.....	.....	.....	.....	-5,900,000
Colorado River Dam fund (by transfer, permanent authority)	(-5,465,000)	(-6,563,000)	(-6,563,000)	(-6,563,000)	(-6,563,000)	(-1,098,000)
Total, Bureau of Reclamation	899,983,000	806,924,000	825,825,000	807,331,000	816,715,000	-83,268,000
Total, title II, Department of the Interior:						
New budget (obligational) authority	899,983,000	806,924,000	825,825,000	807,331,000	816,715,000	-83,268,000
(By transfer)	(-5,465,000)	(-6,563,000)	(-6,563,000)	(-6,563,000)	(-6,563,000)	(-1,098,000)
TITLE III - DEPARTMENT OF ENERGY						
Energy Supply, Research and Development Activities:						
Operating expenses	2,648,508,000	2,797,417,000	2,553,927,000	2,577,877,000	2,527,287,000	-121,221,000
Plant and capital equipment	313,395,000	391,036,000	393,706,000	393,706,000	488,506,000	+175,111,000
Total	2,961,903,000	3,188,453,000	2,947,633,000	2,971,583,000	3,015,793,000	+53,890,000
Uranium Supply and Enrichment Activities:						
Operating expenses	1,220,876,000	1,307,457,000	1,251,457,000	1,237,457,000	1,202,457,000	-18,419,000
Plant and capital equipment	92,724,000	83,863,000	83,863,000	83,863,000	83,863,000	-8,861,000
Subtotal	1,313,600,000	1,391,320,000	1,335,320,000	1,321,320,000	1,286,320,000	-27,280,000
Gross revenues	-1,547,000,000	-1,462,000,000	-1,462,000,000	-1,462,000,000	-1,462,000,000	+85,000,000
Net appropriation	-233,400,000	-70,680,000	-126,680,000	-140,680,000	-175,680,000	+57,720,000
General Science and Research Activities:						
Operating expenses	825,074,000	845,062,000	656,262,000	759,162,000	726,162,000	-98,912,000
Plant and capital equipment	647,415,000	807,622,000	342,622,000	701,622,000	691,622,000	+44,207,000
Total	1,472,489,000	1,652,684,000	998,884,000	1,460,784,000	1,417,784,000	-54,705,000
Nuclear Waste Disposal Fund	275,071,000	391,976,000	275,071,000	275,071,000	275,071,000	.....
Isotope production and distribution fund	8,500,000	1,500,000	5,000,000	5,000,000	5,000,000	-3,500,000
Environmental Restoration and Waste Management:						
Defense function	(3,680,672,000)	(4,805,492,000)	(4,603,009,000)	(4,802,047,000)	(4,831,547,000)	(+1,150,875,000)
Non-defense function	(602,495,000)	(706,974,000)	(709,694,000)	(709,694,000)	(709,694,000)	(+107,199,000)
Total	(4,283,167,000)	(5,512,466,000)	(5,312,703,000)	(5,511,741,000)	(5,541,241,000)	(+1,258,074,000)
Atomic Energy Defense Activities						
Weapons Activities:						
Operating expenses	4,075,800,000	4,059,359,000	3,975,709,000	3,964,709,000	4,010,209,000	-65,591,000
Plant and capital equipment	547,628,000	562,730,000	573,040,000	558,540,000	558,540,000	+10,912,000
Total	4,623,428,000	4,622,089,000	4,548,749,000	4,523,249,000	4,568,749,000	-54,679,000
New Production Reactor:						
Operating expenses	142,835,000	130,800,000	141,510,000	141,510,000	34,028,000	-108,807,000
Plant and capital equipment	372,665,000	-126,772,000	30,290,000	28,518,000	.....	-372,665,000
Total	515,500,000	4,028,000	171,800,000	170,028,000	34,028,000	-481,472,000

Energy and Water Development (H.R. 5373), continued

	FY 1992 Enacted	FY 1993 Estimate	House	Senate	Conference	Conference compared with enacted
Defense Environmental Restoration and Waste Management:						
Operating expenses	3,108,914,000	4,045,715,000	3,892,918,000	4,044,990,000	4,074,490,000	+965,576,000
Plant and capital equipment	571,758,000	759,777,000	710,091,000	757,057,000	757,057,000	+185,299,000
Total	3,680,672,000	4,805,492,000	4,603,009,000	4,802,047,000	4,831,547,000	+1,150,875,000
Materials Production and Other Defense Programs:						
Operating expenses	2,613,843,000	2,301,343,000	2,152,174,000	2,132,574,000	2,193,574,000	-420,269,000
Plant and capital equipment	534,557,000	385,677,000	398,727,000	390,727,000	390,727,000	-143,830,000
Total	3,148,400,000	2,687,020,000	2,550,901,000	2,523,301,000	2,584,301,000	-564,099,000
Defense Nuclear Waste Disposal				100,000,000	100,000,000	+100,000,000
Total, Atomic Energy Defense Activities	11,968,000,000	12,118,629,000	11,874,459,000	12,118,625,000	12,118,625,000	+150,625,000
Departmental Administration:						
Operating expenses	399,114,000	439,796,000	398,794,000	398,794,000	398,794,000	-320,000
Plant and capital equipment	6,862,000	9,225,000	6,862,000	6,862,000	6,862,000	
Subtotal	405,976,000	449,021,000	405,656,000	405,656,000	405,656,000	-320,000
Miscellaneous revenues	-284,352,000	-318,381,000	-318,381,000	-318,381,000	-318,381,000	-34,029,000
Net appropriation	121,624,000	130,640,000	87,275,000	87,275,000	87,275,000	-34,349,000
Office of the Inspector General	31,431,000	30,362,000	30,362,000	30,362,000	30,362,000	-1,069,000
Power Marketing Administrations						
Operation and maintenance, Alaska Power Administration	3,218,000	3,577,000	3,577,000	3,577,000	3,577,000	+359,000
Operation and maintenance, Southeastern Power Administration	23,869,000	24,635,000	32,411,000	32,411,000	32,411,000	+8,542,000
Operation and maintenance, Southwestern Power Administration	28,464,000	21,907,000	21,907,000	21,907,000	21,907,000	-6,557,000
Construction, rehabilitation, operation and maintenance, Western Area Power Administration	306,478,000	347,151,000	326,634,000	336,634,000	326,634,000	+20,156,000
(By transfer, permanent authority)	(5,465,000)	(6,563,000)	(6,563,000)	(6,563,000)	(6,563,000)	(+1,098,000)
Total, Power Marketing Administrations	362,029,000	397,270,000	384,529,000	394,529,000	384,529,000	+22,500,000
Federal Energy Regulatory Commission						
Salaries and expenses	141,071,000	163,639,000	142,801,000	158,639,000	158,639,000	+17,568,000
Revenues Applied	-141,071,000	-163,639,000	-142,801,000	-158,639,000	-158,639,000	-17,568,000
Geothermal Resources Development Fund						
Geothermal loan guarantee and interest assistance program		-4,000,000				
Total, title III, Department of Energy:						
New budget (obligational) authority	16,967,847,000	17,836,834,000	16,476,533,000	17,202,549,000	17,158,759,000	+191,112,000
(By transfer)	(5,465,000)	(6,563,000)	(6,563,000)	(6,563,000)	(6,563,000)	(+1,098,000)
TITLE IV - INDEPENDENT AGENCIES						
Appalachian Regional Commission	190,000,000	100,000,000	185,000,000	190,000,000	190,000,000	
Defense Nuclear Facilities Safety Board	11,500,000	13,000,000	13,000,000	13,000,000	13,000,000	+1,500,000
Delaware River Basin Commission:						
Salaries and expenses	300,000	325,000	325,000	325,000	325,000	+25,000
Contribution to Delaware River Basin Commission	475,000	475,000	475,000	475,000	475,000	
Total, Delaware River Basin Commission	775,000	800,000	800,000	800,000	800,000	+25,000
Interstate Commission on the Potomac River Basin:						
Contribution to Interstate Commission on the Potomac River Basin	510,000	485,000	485,000	485,000	485,000	-25,000
Nuclear Regulatory Commission:						
Salaries and expenses	508,810,000	545,415,000	535,415,000	535,415,000	535,415,000	+26,605,000
Revenues	-488,848,000	-524,315,000	-514,315,000	-514,315,000	-514,315,000	-25,467,000
Subtotal	19,962,000	21,100,000	21,100,000	21,100,000	21,100,000	+1,138,000
Office of Inspector General	3,690,000	4,585,000	4,585,000	4,585,000	4,585,000	+895,000
Revenues	-3,690,000	-4,585,000	-4,585,000	-4,585,000	-4,585,000	-895,000
Subtotal						
Total, Nuclear Regulatory Commission	19,962,000	21,100,000	21,100,000	21,100,000	21,100,000	+1,138,000

Energy and Water Development (H.R. 5373), continued

	FY 1992 Enacted	FY 1993 Estimate	House	Senate	Conference	Conference compared with enacted
Susquehanna River Basin Commission:						
Salaries and expenses	284,000	301,000	301,000	301,000	301,000	+17,000
Contribution to Susquehanna River Basin Commission	310,000	290,000	290,000	290,000	290,000	-20,000
Total, Susquehanna River Basin Commission	594,000	591,000	591,000	591,000	591,000	-3,000
Tennessee Valley Authority: Tennessee Valley Authority Fund	135,000,000	100,723,000	135,000,000	135,000,000	135,000,000	
Nuclear Waste Technical Review Board	3,294,000	2,060,000	2,060,000	2,060,000	2,060,000	-1,234,000
Total, title IV, Independent agencies, new budget (obligational) authority	361,635,000	238,759,000	358,036,000	363,036,000	363,036,000	+1,401,000
Grand total:						
New budget (obligational) authority	21,839,500,000	22,419,288,000	21,324,064,000	22,005,446,000	22,005,643,000	+166,143,000
(By transfer)						

□ 1810

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

Mr. WHITTEN. Mr. Speaker, I rise in strong support of this Energy and Water Development appropriations conference agreement. It's a good agreement. I want to pay tribute to the gentleman from Alabama [Mr. BEVILL] and the gentleman from Indiana [Mr. MYERS], and my other colleagues on this subcommittee for the great job they have done.

This bill takes care of our real health, our country itself. It is a national bill. This subcommittee and those who worked with it have shown good, sound judgment in investment in our own country on which all the rest depends.

This is a major bill for looking after the physical resources of our country itself—which is our real wealth. Along with the bill for agriculture, it is the foundation of our economy. Not only does this bill provide for such worthwhile programs as the Appalachian Regional Commission and the TVA, but it also funds various Corps of Engineers projects and takes care of our waterways and the many flood control projects.

Mr. Speaker, in my district and State, there are many national projects which are sound investment expenditures for our Nation.

For the Foothills Joint Demonstration Erosion Control Program, funds are included for work on Batupan Bogue, Otoucalofa Creek, Hotophia Creek, Hickahala and Senatobia Creeks, Long Creek, Black Creek, Burney Branch, Town Creek-Charleston, Sherman Creek, Abiaca Creek, Toby Tubby Creek, Pelucia Creek, Cane-Mussacuna Creeks, Hurricane-Wolf Creeks, and the Coldwater River.

For other ongoing construction, funds are included for the Nonconnah Creek project, the Sardis Dam—dam safety assurance, the Tombigbee River and tributaries project, the Tennessee-Tombigbee Waterway—purchase of mitigation lands, the Horn Lakes Creek and tributaries project, and the Gulfport harbor project. Funding is also included to continue the Jackson metro area study, and for the East Fork and Tennessee-Tombigbee Waterway operation and maintenance. Language is also included providing that operations and maintenance funding for Yazoo basin lakes shall be available for maintenance of roads and trails.

For the Yazoo basin, funding is provided to continue construction on the big sunflower project, the demonstration erosion control projects, the tributaries project, the Upper Yazoo projects, and for backwater mitigation lands. The reformulation study—Yazoo basin projects—is also funded as well as operation and maintenance for all completed Yazoo basin projects.

For the Tennessee Valley Authority, rural development activities are funded at $135 million. Efforts are directed at helping to eliminate the economic hardships in the valley's rural areas.

The agreement provides $190 million for the Appalachian Regional Commission for its highway program and for economic development. Within this amount for the Appalachian Regional Commission is $5 million for an access road in Holly Springs for the local industrial park.

Funding in this conference agreement also continues a cooperative agreement between Jackson State University, Lawrence Berkely Laboratory, and Ana G. Mendez Educational Foundation, an ongoing program.

Mr. Speaker, this is a good agreement, and I urge that it be adopted.

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

Mr. Speaker, as usual our chairman, the gentleman from Alabama [Mr. BEVILL], has done an excellent job of explaining this conference report. As the chairman has said, it was 3 months ago today that the House passed this Energy and Water appropriations bill.

Since that time we have been working with the other body. They passed their version of this in August. We went to conference the day before yesterday.

It was not an easy conference. It seems that each year the conferences get more and more difficult. But through the fine work of our staff, which has already been explained, the staff, headed by the very capable Hunter Spillan, and the other fine staff members, and each member of this subcommittee working with the other body, after many hours of deliberation, give and take both ways, we do have a conference report that I think is acceptable to all.

Especially this year I think we should show our appreciation to three members of our conference who we now know will not be back next year: Mr. DWYER of New Jersey, Mr. THOMAS of Georgia, and Mr. PURSELL of Michigan, three Members who have already announced their retirement and will not be returning.

The committee, the House, the country will miss the services of these three very valued members of the Committee on Appropriations and also members of this Subcommittee on Energy and Water.

Mr. Speaker, the chairman has very well presented this. But the bill, the conference report that we do bring, of that $12 billion is for national defense. This is something many Members of this body do not realize, that a large proportion of this Energy and Water Development appropriations bill is for national defense, research for national defense, particularly in the nuclear field. Only $9,900,000,000, or $10 billion roughly, is for nondefense items.

The increase in the conference report over the House-passed bill is $437 million in domestic discretionary and $244 million in defense function 050.

Of the funds in this bill, $4.5 billion is for America's water projects. We have more than 25,000 miles of inland waterways and major deep ports in our country which are provided funds to maintain and operate in this bill; $4.5 billion is provided for these functions.

The remaining $17.5 billion is for many programs, science, research, energy for the future, and research for development of medical devices, particularly in the nuclear field.

Many projects which are in research which could be developed to make America more competitive in the future are in the programs in this field.

The bill is not on the President's list of possible vetoes. As the chairman has said, there is one area where the President does disagree. This has to do with the nuclear weapons testing moratorium. We hope in the meantime over the weekend, when our Secretary of Defense gets back, that we will be able to work out the differences that we have with the White House on this particular item.

By then maybe we can bring this bill in its complete form and send it on to the President. As we all know, there is only 1 bill of the required 13 that has gone to the President and has been signed. We hope this will be the second one, early next week.

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

Mr. SLATTERY. Mr. Speaker, I rise in opposition and yield myself such time as I may consume.

First, let me say that it is never fun to come to the floor and oppose my good friend, the gentleman from Alabama [Mr. BEVILL], who is chairman of the subcommittee, and the gentleman from Kentucky [Mr. NATCHER], acting chairman of the full committee, a man for whom I have a great deal of respect.

But on this occasion I do not have any other choice.

Mr. Speaker, I must inform my colleagues that the conference includes $517 million for the superconducting super collider. This is $34 million more than even the Department of Energy said that they needed to continue the project in the upcoming fiscal year.

But as you will recall, this body, on June 17 of this year, voted to terminate funding for the super collider by a vote of 232 to 181.

Mr. Speaker, the House-passed version of this bill contained only $34 million for shutdown costs of the SSC. The 232 Members of this body who voted as I voted might be surprised to learn that not one of the members of the conference committee voted with the House majority on the SSC vote, not one, my friends.

In other words, the House majority position was not defended at the conference committee. Needless to say, Members like myself, who spent count-

less hours trying to save the taxpayers $10 billion by terminating the super collider, do not find this operation very humorous.

Sadly, the people's will and the taxpayers' will—and I would observe that the taxpayers in this country are angry these days—was freely expressed in the earlier 232-to-181 vote in this body. And that view was totally ignored in this conference.

□ 1820

Mr. Speaker, the Members of this body should reject this conference committee report. We should demand that the taxpayers' position be represented and defended in the conference consistent with the position that this body took.

With regard to the merits: We thoroughly debated this issue earlier this year. Nothing of substance has changed. Absolutely nothing of substance has changed, except that the deficit is much larger.

For those who want to cut spending and reduce the deficit, I would say this is one of the big votes of the year. We are talking again about $10 billion. If we stand our ground and do not cave in to the other body and the President, we can save the taxpayers this year about $500 million, and as I have just said, $10 billion over 10 years. This is a lot of money and it is darn sure worth fighting over and it is worth fighting to defend the position of this body that was not represented in the conference.

Let us not forget that money spent on the super collider is money that will not be available for other very important practical and urgently needed research that is going unfunded.

Think about this. With $500 million a year, which we are talking about with the super collider, we could make available to all 50 States $10 million a year to fund scientific research at colleges and universities all over this country.

This kind of support for small science projects might lead to a cure for Alzheimer's disease or AIDS or cancer or heart disease. It may help us develop the technology necessary to compete in this global economy with new alternative energy sources and new alternative fuel vehicles.

The bottom line also is that when we have a $400 billion deficit, we cannot afford this kind of extravagant spending.

For those who say, well, how in the world can we say no to this project at a time when the economy is depressed and there are 6,000 jobs at stake, I concede that; but let us look at the other side of the picture. The other side is, what are these jobs costing us?

If you do just a little bit of math, you will see that even if you take $500 million divided by 6,000, you are talking about an annual cost per job of $80,000 per year.

This is a ridiculous jobs program if you are concerned about jobs in this country.

So my friends, I urge you to join me in rejecting this conference report. I intend to offer a motion to recommit with instructions to the conference that it stick to the position that this body so responsibly took earlier this year.

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

Mr. BEVILL. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. FROST].

Mr. FROST. Mr. Speaker, I rise in support of the Energy and Water appropriations conference report.

I am particularly pleased that the conference report contains $517 million for the superconducting super collider. We have made significant progress in the last few months on the SSC—magnets have been successfully tested, support facilities have been completed, and excavation has begun. It is critical that we continue funding in order to maintain this progress and keep moving forward to the time when the SSC will be completed and operational. Terminating this important project now would have been a major mistake, and I am glad that the conferees agreed to fund it.

Let us be clear about what the SSC means for America. It is a symbol of our Nation's commitment to scientific leadership in this century and the next. It is an investment in the future, as it will enhance our Nation's competitiveness by yielding exciting discoveries and technological innovations. Finally, it will serve as a training ground for the next generation of scientists, engineers, and physicists, men and women who will lead the way in helping improve our quality of life through advances in science medicine. At a time when fiscal constraints require prudent spending decisions, this is precisely the type of investment that merits our support.

Chairman BEVILL and all the House conferees did an outstanding job, and they should be commended for their hard work in completing the conference and bringing this bill to the House floor. Chairman BEVILL has always displayed strong leadership in guiding the Energy and Water appropriations bill in the past, and this year is no different.

The SSC is no longer merely a dream, but is now in fact a concrete and steel reality. Buildings are going up, dirt is being moved, and developmental work is advancing at a steady clip. Let us continue the progress on this investment in America's future. I urge my colleagues to join me in voting for this conference report.

Mr. MYERS of Indiana. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. MCDADE], the distinguished ranking Republican member of the Committee on Appropriations.

Mr. MCDADE. Mr. Speaker, I thank my friend, the gentleman from Indiana, for yielding me this time.

Mr. Speaker, I rise in very strong support of this conference report which the conferees have labored long and hard to bring back to the House and the Senate so that it can be enacted into law.

I want to pay strong commendation to my distinguished friend, the gentleman from Alabama, for the manner in which he conducted the procedure on this bill. He has done a superb job, as has my dear friend, the gentleman from Indiana [Mr. MYERS], the ranking Republican.

I want to say to my colleagues, by any test, whether you lay down the 602(b) allocation for domestic, this bill is within it. If you lay down the 602(b) for defense, this bill is within it, and if you lay down the other tests, that is to say the newest recommendations that came up from the President with respect to spending levels, this bill fits within that test. By any measure, Mr. Speaker, this bill deserves our strong support.

Mr. SLATTERY. Mr. Speaker, I yield 4 minutes to the gentleman from New York [Mr. BOEHLERT], who has been tireless on this project.

Mr. BOEHLERT. Mr. Speaker, for years the Supreme Court of the United States has been wrestling with the definition of obscene. They have not succeeded, but the conferees have. It is obscene that we are being asked today here in this Chamber to vote for funding $517 million, just one installation for the superconducting super collider.

Let me give you some reasons why we should not do it.

Reason No. 1. It is not a high-priority science project. It is a good project; cannot quarrel with that, but it is not a high priority science project.

Mr. Speaker, this is a time that demands that the Congress consider only priority projects.

Reason No. 2. This is taking away money from other very important science projects. We now have at the National Institutes of Health and the National Science Foundation the highest percentage of unfunded worthy applications in a generation. Scientists across America who have a good idea and are coming to their Government for a modest grant to continue very important research, cancer research, AIDS research, a whole wide range of very important research activities, and the scientists with outstanding credentials are saying to our Government, "Give me $100,000 as a research stipend so that I can make some progress, and hopefully find a better, safer way for all Americans to live."

Reason No. 3. This Chamber by an overwhelming margin of 232 to 181 voted to terminate funding for the superconducting super collider.

Reason No. 4. This body by overwhelming previous votes has said the Federal taxpayers should not be expected to go one penny beyond $5 billion in the Federal contribution for this project.

Now, that is not small potatoes. We are not nickeling and diming it. We said $5 billion and no more. Well, it is well beyond that in terms of the Federal contribution.

As a matter of fact, this project started out with a projected cost of $4.4 billion. Do you know where we are now, Mr. Speaker? We are up to almost $12 billion. If you think we are going to get it for one penny less than $15 billion, I have got a bridge in Brooklyn that I will offer to sell to you.

The next reason. We have been told not to worry. The American taxpayers are not going to foot the whole bill. This is an international project.

□ 1830

Mr. Speaker, we are told that people come from all around the world to get a piece of the action. They are all excited about this. Guess what, my colleagues? We do not have the first dime yet from any nation around the world.

Oh, I have been told, "Wait until the Japanese cough up their contribution." Well, that was a very appealing argument.

So, I went to Japan, and I met with the leadership of the Government, including the president of Japan's science council, including members of the Diet, including key people in the Ministry of Science, Culture, and Education. They are not interested in participating. They are having a study group take a look at it.

Mr. Speaker, there no compelling reasons for proceeding at this juncture with this project at this cost to the American taxpayer. But there are good and sufficient reasons to say no here and now. We simply cannot afford to continue the way we are. We have a $4 trillion national debt. We are spending every single day $866 million just in interest on that debt.

My colleagues, now is the time to stop. Here and now.

Mr. BEVILL. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Speaker, I thank the gentleman from Alabama [Mr. BEVILL] for yielding this time to me, and I congratulate him and my friend, the gentleman from Indiana [Mr. MEYERS], on the excellent work they have done on the bill.

I will talk about two or three matters which are included in the bill, but I think very important to note is that by whatever calculation one applies to this bill, it does fall within the approved guideline. The 602(b) allocation for domestic or for defense; the bill fits within that. It also fits the President's expressed mandate or expressed wish of what our appropriations bill should look like. Now whether the President should be permitted that leeway can be argued, but the bill fits within his figure.

There are four programs involving our community in Louisville in Jefferson County, KY, which are included in this bill, and I thank the chairman for finding room for them.

There is $1.9 million for preconstruction and engineering for the eventual construction of a 1,200-foot lock at the McAlpine Dam where currently an outmoded, archaic 600-foot lock exists. And, eventually, in 1995, we will have twin 1200-foot locks at the McAlpine Dam in Louisville.

In this bill also is $534,000 for a reconnaissance study for the Bear Grass Creek flood control project, as well as $364,000 for completion of the engineering and the economic study for the Pond Creek flood control project. Both Pond Creek and Bear Grass Creek are very important projects for the protecting of homes and businesses in Louisville.

And last, but not least, Mr. Speaker, there is a half million dollars, $500,000, for a study of the Ohio River Greenway, which is to improve access to the Ohio River attractions, which would include the McAlpine Dam, which would include the Falls of Ohio, that great rock formation, the Devonian rock formation which is becoming such a tourist attraction. It would also include access to the skyline of Louisville, and also our several bridges.

So, Mr. Speaker, I want to thank the gentleman from Alabama [Mr. BEVILL] and the gentleman from Indiana [Mr. MYERS] for their excellent work. I rise in very strong support of this conference report.

Mr. MYERS of Indiana. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona [Mr. KOLBE], a distinguished member of the Committee on Appropriations.

Mr. KOLBE. Mr. Speaker, I rise in strong support of the fiscal year 1993 energy and water appropriations bill. Facing severe budget constraints, the subcommittee has produced a fair and responsible bill.

The bill is $414 million below the President's request, and falls within the subcommittee's 602(b) allocation. To get to this point, the subcommittee had to make some painful decisions.

Many important projects were not funded in the bill, including a number in my home State and district. The bill, however, does include funding for the Central Arizona project and needed safety of dams work, as well as other important water resource and energy projects in Arizona and the country.

The conferees hammered out a tough compromise on nuclear weapons testing. I urge my colleagues to support the conference report and to defeat any attempt to adopt the more restrictive Senate version. The need for nuclear weapons is—thank God—less today than any time since the invention of this horrifying weapon. But we still have nuclear weapons, and as long as we do, we must test them for their safety. The Senate version is too restrictive and was rightfully discarded by the conferees. I urge my colleagues to do the same.

This has been a difficult process for the subcommittee members.

What has emerged from that process is a bill that is fiscally responsible and fair. At a time when the country is calling out for leadership, this subcommittee has shown it. I commend the chairman, Mr. BEVILL, and the ranking member, JOHN MYERS, for their leadership and the entire subcommittee for their work. This is only the second fiscal year 1993 appropriations conference report to be considered by this body, and I am hopeful that it will serve as a model for how to make the tough, fiscally responsible, and fair decisions dictated by our severe budget constraints. I urge my colleague to support it.

Mr. SLATTERY. Mr. Speaker, I yield 1½ minutes to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Speaker, I rise to oppose the conference report on the energy and water appropriations bill. I am pleased that the conference report includes a moratorium on nuclear weapons testing, and I will support the motion to accept the stronger moratorium language which was passed by the Senate. But in other respects, this report falls far short of the change in priorities which we should be making, now that the cold war is over.

The Soviet Union and the Warsaw Pact, our enemies for almost half a century, have disintegrated. Russia is now asking for foreign aid. And yet over half the money in this bill—$12 billion out of $21 billion—still goes for nuclear weapons activity. Some of this money is to clean up the dangerous mess at our nuclear weapons plants, but almost $5 billion is to develop and produce new nuclear weapons, even though we no longer have an enemy to fire them at.

The bill also spends over half a billion dollars on that enormous boondoggle, the superconducting super collider. Just a few months ago, when we voted to cut out the money for the SSC, it was hailed as a sign that Congress had finally decided to stand up against pork-barrel spending and set some real priorities. But now, that victory has silently evaporated.

Mr. Speaker, this bill represents a budget for the cold war, not for the economic crisis of the 1990's. I urge my colleagues to vote "no" on it.

Mr. MYERS of Indiana. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. PURSELL], a member of the subcommittee who will not be returning next year.

Mr. PURSELL. Mr. Speaker, I do not know if the gentleman from Indiana [Mr. MYERS] was saying that with appreciation or sincerity, but I say to him, "Thank you, JOHN."

Mr. Speaker, the gentleman from Indiana [Mr. MYERS] has been my leader on this committee for so many years, and I have appreciated his personal leadership and his personal friendship, and I wish him and his wife the best of health and know what he has gone through the last couple years.

In addition, Mr. Speaker, I want to thank the gentleman from Alabama [Mr. BEVILL] and the staff of the committee for their great leadership. I think it is one of the most respected staff groups that I have ever had the opportunity to work with.

My first love is with my great chairman, the gentleman from Kentucky [Mr. NATCHER] who is my ranking on Labor-HEW, and, as the ranking Republican on that committee, Mr. Speaker, I have had the honor to serve there. I say to the gentleman from Kentucky, "My heart is in your committee, BILL."

But I have also enjoyed the Committee on Energy and Commerce.

This bill is only 1 percent over last year. It is practically at a freeze level. So I think, regardless of which side my colleagues are on in terms of the super collider, I happen to support it. I supported it for Michigan, and I am not going to flip-flop because it is going to Texas.

But I think, in all due respects to my colleague, the gentleman from New York [Mr. BOEHLERT], if it was good enough for the international community, whether or not they finance it or not, and they anticipate that we will take the leadership, I am glad that the Nation is taking the national world leadership in high energy physics. It is not a military project. It is not for defense. It is for the best in terms of collegiate, and university and academic research that will bring about new science research in the civilian application process which we desperately need throughout the world.

□ 1840

I want to thank the committee personally. It has been an enjoyable committee to serve on over the years. I wish them the best. I think one of the great future problems of this committee is going to be how do we maintain our water civil engineering projects. We have some new projects in this bill, not very much, but I think the long-range problem of maintaining our infrastructure is going to be a severe, serious problem in financing, and maybe our committee should hold some hearings on that next year to look at the opportunity to be able to maintain our great bridges and harbors and infrastructure that is desperately needed.

So again, thank you. It has been a pleasure serving on this committee, and I wish the best to all of you. Thank you very much.

Mr. SLATTERY. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. WOLPE].

Mr. WOLPE. Mr. Speaker, I have enormous respect for the chairman of the committee, the gentleman from Alabama [Mr. BEVILL], and his ranking member, the member from Indiana [Mr. MYERS], and for the conferees that were involved in this particular discussion. But I must say there is absolutely no way that the outcome of this conference can be justified before the House.

We had a very full and thorough debate about the merits of the super collider project, and the consequence of that debate before this House was an overwhelming rejection of the super collider by a vote of 232 to 181.

The product that has come back before us does not sustain the House position. But even more remarkably, not only did the House conferees fail to represent the House position, which was one of opposition to the SSC, but they agreed to even more SSC funding than they had originally proposed before the House voted to cut the program. There is simply no way that that can be justified as a rational or fair outcome of this conference agreement.

In the course of that debate a number of points were made about the super collider: It has been a terribly managed project; it is over cost; all of the promises that have been made about foreign contributions have remained unfulfilled.

But I must tell you as chairman of the Subcommittee on Investigations and Oversight that undertook some very sensitive hearings, the most disturbing element of this entire project from my vantage point was the pattern of deceit and deception in which the Department of Energy engaged in order to block our efforts at finding out the truth of the mismanagement that had occurred.

There was constantly an enormous gap between what we were told in public session, on the one hand, and what was reveled in the documentary material that our committee eventually received, on the other. And there was absolutely no way that the claims of the Department of Energy that this was a project that was meritorious could be sustained by that documentary material.

This is really a moment of truth for this House. Either we are serious about fighting wasteful spending, or we are going to first vote to cut a project, and then very quietly vote to put the money back in so we can all go back home and say, "See, we opposed it at least once."

I ask my colleagues in this instance to reject this conference report so that we may really affirm the determination of this House to make the kind of tough choices that need to be made this year, to eliminate a project that is one of the least meritorious of the Department of Energy's initiatives—a conclusion reached by the Department's own Office on Policy.

Mr. MYERS of Indiana. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. GALLO], a hard-working member of the subcommittee.

Mr. GALLO. Mr. Speaker, I thank my ranking member for yielding time to me.

Mr. Speaker, I rise today in support of the conference report on Energy and Water Development appropriations for fiscal year 1993. As a member of this subcommittee, I would like to thank Chairman TOM BEVILL and ranking member JOHN MYERS for their leadership and direction. I would also like to express my appreciation to the subcommittee staff, Hunter Spillan, Bob Schmidt, Aaron Edmondson, Jeanne Wilson, and Lori Whipp for all their hard work.

Unfortunately, this year the subcommittee will lose three of its valued and dedicated members to retirement. CARL PURSELL, BARNEY DWYER, and LINDSAY THOMAS will be greatly missed for their expertise and insight on this subcommittee. I wish all of them well.

Mr. Speaker, I am proud of the fact that we have crafted a bill that will continue to move this country closer to a comprehensive energy policy. In spite of a tight fiscal budget, I believe that with this bill we have made a significant long-term commitment to the development of new energy sources for our Nation's future energy needs.

The immediate goal of an energy policy must be a balanced approach that deals with conservation and alternative fuels as well as conventional sources of energy. We must not shortchange our research and development programs and I believe this bill provides adequate funding to keep new and proven technologies on the right course.

The bill also provides funding for a number of critical flood control projects throughout the United States. These important projects will help to prevent property damage in areas with recognized flooding problems and even more importantly help save countless lives.

In my State of New Jersey, the conferees agreed to accept the funding levels for two New Jersey flood control projects that will allow the projects to remain on track.

These critical flood control projects must move forward in order to protect the public safety in the Passaic and Raritan River basins. With the additional funds for the Passaic flood tunnel, engineering and design of the entire project, including the Newark bank restoration portion has taken a closer step toward completion.

I will never forget the fear and apprehension expressed by the people in the

Passaic River basin after April flooding in 1984 took three lives and caused $355 million in damage. Eight years have passed since that event and thankfully we have not been hit with a devastating flood to this point. While no one can accurately predict what the future will bring, we can be sure that time is not on our side, based on past experience.

Unfortunately, as memories of the 1984 flood continue to fade, they are being replaced with pie-in-the-sky proposals for inadequate flood control measures based on inaccurate information.

This bill also contains funding for several energy development projects that benefit New Jersey. I was happy that we, as conferees agreed to fund fusion research at $339.7 million. Fusion research is one of the programs that will move this country toward energy independence. Fusion energy is good science and I am happy to support the program.

In addition, the bill includes funding for solar and other renewable energy research. I have always been an active supporter for increased funding in renewable sources and was pleased that the subcommittee provided this critical funding.

It was a long and thorough process and I am happy to rise in support of this conference report.

Mr. SLATTERY. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Speaker, 3 months ago today I spoke to the House of Representatives from this same spot and asked that we kill, bury, do away with, and forget forever the super collider, and apparently most of us felt the same way as I did, because we decided by a vote of 232 to 181 to delete all funding for the SSC.

That outcome pleased me. But somehow I felt that like the phoenix, this thing would rise again. And sure enough, it has. And it would be seeking more and more money. And, friends, that day has come.

Now, many people have stood up here and congratulated the conference committee. Congratulate them? Heck. They did not express the will of the House. They caved in. They did not come back to us with a compromise. They came back to us with more money than went out of here in the consideration of this.

Despite the fact that we have twice voted to kill this project, here it is again to the tune of $517 million. How many times do we have to say no before this boondoggle goes away?

I should also point out that the conferees deleted a successful amendment of the gentleman from Pennsylvania [Mr. WALKER] that the President certifies foreign contributions to this project before the future funding was released. They must have felt that the foreign contributions were not going to come in, and indeed, they were not going to come in, so they just did away with that.

Now we have an all-American project that we can completely fund with billions of taxpayer dollars for an uncertain goal.

Mr. Speaker, I do not know how the rest of the Members feel about this provision, but I believe this particular section is a slap in the face to every Member of the House.

Join with me in rejecting this conference report. Let us send a message to the conference committee that when they go out of here to do conferences, we expect for them to fight for the will of the House and at least come back with a compromise.

□ 1850

Mr. BEVILL. Mr. Speaker, I yield 1 minute to the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Speaker, it pains me to do this because the gentleman from Alabama is such a wonderful gentleman and I do not say this in a patronizing way; it is in a very true way.

The fact that the superconducting super collider is still in this bill, over $500 million, at a time when this country is bleeding to death with high deficits, just means, in my judgment, that I have to vote against this bill. And there are many good things in it, but this country has to make choices.

One of these days we are going to have to decide, are we going to fund this or are we going to fund health care. Are we going to fund this or are we going to fund Social Security.

I mean, it is as simple as that. The choices are going to have to be made. This is a pretty easy choice in my judgment to say no to. It is a choice for scientific reasons and for a whole sort of budget reasons that we can find other alternatives. So while it pains me to disagree with the distinguished chairman of the subcommittee, I think for fiscal sanity, we must say no to the superconducting super collider.

I urge a no vote on the bill.

Mr. MYERS of Indiana. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in support of the Energy and Water appropriations conference report and to specifically commend my colleagues for crafting a bill that is not only below the budget caps set in the 1990 agreement but also—and more importantly—is only 0.75 percent greater than last year's bill.

This is particularly important to my constituents, Mr. Speaker, because many of them are out of work and cannot afford to send additional tax dollars to Washington. Those who are working are not enjoying raises or bonuses, so I am especially pleased that the spending levels in this conference report are well below inflation.

The people of this country deserve our best efforts to rein in government spending: in so-called discretionary accounts as well as in the sacred cows of entitlements. Everyone—except those on the lowest rungs of the economic ladder—has to share the pain of these hard economic times.

Let me also commend the President for his leadership and firm hand, in working with the Congress to focus on holding these spending bills down. Unless the Congress—which controls all Federal spending—can develop consistent disciplined spending practices, we will never see the end of $300 billion deficits nor pass on to our children a vital America.

Mr. SLATTERY. Mr. Speaker, I yield 1 minute to the gentleman from Indiana [Mr. BURTON].

Mr. MYERS of Indiana. Mr. Speaker, I yield 1 minute to the gentleman from Indiana [Mr. BURTON].

The SPEAKER pro tempore. The gentleman from Indiana [Mr. BURTON] is recognized for 2 minutes.

Mr. BURTON of Indiana. Mr. Speaker, my good friend just said that this is a process of consensus building. We are always building consensus around here, and we keep getting deeper and deeper and deeper and deeper in debt. The projected deficit in the next 7½ years is going to be $13.5 trillion. We are already at $4 trillion. Ten years ago we were at $1 trillion. And spending is totally out of control.

We will not even be able to pay the interest on the debt in 7½ more years, and that means this whole economy is going to come unraveled.

We have to make hard choices, and we have to do it now. This conference committee report is $682 million above that which left the House.

We tried to kill the super collider, which I supported in the past. And we tried to kill it. I voted against it this time because we simply did not have the money.

We have to prioritize, and here it comes back again, $483 million more than that which left the House.

If we did not even include that, we have an almost $200 million in additional spending, not including the super collider.

Let me just say that this is also $166.143 million above fiscal year 1992. This is only the second appropriations bill that is going to pass both Houses in the conference committees. The first one was $8 billion over fiscal year 1992 and $1.64 billion above the House-passed bill. And this is $680-some million above the House-passed bill.

When are we going to start making the hard choices?

The problem is, we can pay now or we can pay later. We either control spending now and pinch a few toes or in 7½ years we are going to see people on

fixed incomes, Social Security, welfare, food stamps, pay $40 to $50 for a quart of milk or a loaf of bread because of hyperinflation, when the Federal Reserve Board has to monetize the debt.

We have to come to grips with this. The time is now. I hope we will defeat this conference committee report.

The SPEAKER pro tempore (Mr. COX of Illinois). The Chair will advise the Members that the gentleman from Alabama [Mr. BEVILL] has 9 minutes remaining, the gentleman from Kansas [Mr. SLATTERY] has 3 minutes remaining, and the gentleman from Indiana [Mr. MYERS] has 5 minutes remaining.

Mr. SLATTERY. Mr. Speaker, I yield 1 minute to the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Speaker, I rise in opposition to the conference report.

The SSC, the superconducting super collider, is a colossal waste of money. It is a giant public works project we do not need and cannot afford.

America is a science-creating machine without parallel. The Japanese and the Asian nations are science-consuming machines without parallel. They are going to take what we learned and use their money to put it to practical use.

We have a budget crisis. A few months ago this Congress voted overwhelmingly for a balanced budget amendment, but we are not willing to take practical steps to balance the budget. If we are not willing to cut defense, eliminate the Space Station, the SSC and other expensive projects, if we are not willing to cut the budget in other areas and we are not willing to raise taxes, how in the world are we going to balance our budgets?

Mr. BEVILL. Mr. Speaker, I yield such time as he may consume to our colleague and friend, the chairman of the Committee on Science, Space, and Technology, the gentleman from California [Mr. BROWN].

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

I rise in support of the conference report. I want to explain why I think that this is a good conference report, although I am not in complete agreement with every aspect of it.

I have worked closely with the distinguished chairman for many months in this particular cycle to provide input to this bill, and basically I think it meets the needs of the country. It has some controversial things in it.

The one that is being discussed here, the superconducting super collider, has vexed me as it has many others over the years.

I came to the conclusion that it was in the best interest of the country for us to proceed with the funding of this massive, large science project. And I did it for many reasons.

I participated from the beginning in discussions of this in our Committee on Science, Space, and Technology. There is no question of its scientific validity.

The main questions having to do with it are whether or not at this time of budget crisis we ought to continue. I weighed that argument very, very carefully. I felt that the House was wrong when they acted on this bill, when it first came before us in June, to strike out the superconducting super collider. I recognized that in the heat of the emotions at that particular time that it was the popular thing to do, but I think that the conference committee has acted properly in restoring some of that funding.

I want to compliment the chairman for his willingness to do that, recognizing that it would be controversial.

I want to say also just a word about a problem which I have discussed with the chairman many times, and that is to accept, as an amendment in disagreement, certain additions which the Senate places on this bill. I made a point that this is not good public policy for a number of years. I have spoken to the distinguished gentleman on the other side, the chairman of their appropriations subcommittee, and I have found no response to their tendency to do this.

□ 1900

I think it is contrary to the best interests of science and to the public to continue doing this, and I do not think that the House should yield. I suspect in the desire to move this bill along promptly that the House may approve of that this year, but I am going to have to oppose that, and I expect to lose, I might say, because the projects, a mere $100 million, more or less, are all meritorious in themselves. They just have not been included in either bill in the House or Senate until it got to conference, and then they were earmarked for specific projects.

I oppose this in principle. I oppose it so much that I am making a serious effort to amend the rules of the House to prevent this from happening. I want to bring this to the attention of the membership. However, in spite of all these possible difficulties with the bill, on balance I think that we should proceed with it. I think we should approve it, the conference report, move it up to the President in order that we may continue with the very valuable programs that are contained in there.

Mr. Speaker, I just wanted the House to understand the difficult predicament that some aspects of this bill place me in. I thank the chairman for yielding me this time.

Mr. SLATTERY. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. ECKART].

Mr. ECKART. Mr. Speaker, in college, George Orwell in "1984" must have had this conference committee in mind in his book when he told us all that "war is peace, hate is love, up is down," because the fact of the matter is that we are told that this conference report represents a compromise, a consensus.

There indeed is a consensus around this place, and that is to keep spending money we do not have on projects we do not need. I admire the resiliency of this conference committee. Why, just a few months ago they told us that we could not spend more than $483 million on the super collider. The House in its wisdom cut that to $35 million, and then they stood strong for the House position and agreed to spend $35 million more in this conference report than just 3 months ago they said this project could sustain. My God, how is that for standing up for the House position?

We have test ban treaty limits in here, and $34 million on top of the test ban treaty goes to a new program aimed at developing new facilities for the production of nuclear weapons. We are going to spend money on weapons systems that we are not going to test, the same way we are going to spend money on a super collider that we do not need. George Orwell was right.

Let us be honest about it. The fix is in. When the conferees were appointed, not a single conferee on behalf of the leadership stood for the position of this House. The rules of this House require that the conferees reflect the position taken by the Committee of the Whole, but that was not going to happen, the same way it did not happen when the Committee on Rules constructed a rule that did not allow those who had objections to raise those objections.

Nothing new has happened, no foreign dollars, no foreign contractors, no foreign participation. One thing has happened in those 4 months, they have poured more concrete. That is what we are going to do if we do not at least cast a vote of protest and tell the folks that business as usual just will not work any more. Resist this. Defeat the conference report.

Mr. MYERS of Indiana. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana [Mr. LIVINGSTON], a member of the Committee on Appropriations.

Mr. LIVINGSTON. Mr. Speaker, we are getting pretty close to the end of the session. I think fewer than 9 legislative days is the plan. We have still 12 out of 13 appropriation bills to pass and send to the President, to find out if he is going to sign them, and if he is not going to sign them, then to consider overrides. That does not even consider all of the other bills that might find their way to this floor.

Mr. Speaker, we have a perfectly good conference report right here. We have delegated our representatives on the conference to meet with the other body's representatives on the conference to pound out an agreement that was within the budget limitations. They have done so. They have weighed the priorities. They have come back

and they have given us a plan to live within those budget requirements and send it on to the President so we can address the problems of this country.

Mr. Speaker, it seems to me that we are going to not only waste a great deal of time, but in the long run, do ourselves a great disservice if we reject this conference report. I would urge that it be adopted.

Mr. Speaker, there are flood control measures, wetlands conservation, navigation aids, port maintenance funds, funds for the Department of Energy, research, cleanup, and environmental cleanup; all of this within our budget limitations.

The Members can argue the merits or the demerits of the super collider. I happen to think it is a great project, and that the benefits of that project will redound to future generations for many, many years to come. The point is, our conference committee has done their job. Now let us adopt the conference report. Let us move on to other matters. Vote "aye."

The SPEAKER pro tempore (Mr. COX of Illinois). The time of the gentleman from Kansas [Mr. SLATTERY] has expired.

Mr. MYERS of Indiana. Mr. Speaker, I yield 1 minute to our friend, the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Speaker, I thank the gentleman from Indiana for yielding time to me.

Mr. Speaker, sometimes in this body we have to agree to disagree agreeably, and with all sincerity I wish to say that I am going to miss the gentleman from Ohio [Mr. ECKART] and the gentleman from Michigan [Mr. WOLPE] next year when they are not here to attack the super collider as we come for our annual battle.

I am not so sure the citizens of Ohio will miss the gentleman from Ohio [Mr. ECKART] quite as much, since there is $107 million in this bill for Corps of Engineers projects in Ohio, including $6 million in his city of Cleveland, which I am sure they do support.

What the debate on the super collider is, is the modern-day equivalent of turning swords into plowshares. We are turning missiles into magnets. It is about science supremacy in the world in the 21st century. It is a good project. I commend the conference committee for meeting the Senate conference committee partway in funding the project.

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

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

Mr. Speaker, I urge everyone to vote for this conference report. This conference report represents many, many months, many weeks, many days and hours of work and negotiations. There are over 800 projects and programs in this bill, or affected by this bill.

We realize that in this are one, two, or three with which you may disagree. Frankly, I could find more than one, two, or three that I do not like in the bill, but this represents agreements worked out after many, many hours of negotiations with the other body. I urge the Members to accept this conference report and vote for it.

Mr. FAZIO. Mr. Speaker, I rise in strong support of the conference report on the energy and water development appropriations for fiscal year 1993. This is a good and balanced bill, and I urge my colleagues to support it.

Mr. Speaker, this was, beyond any doubt, the toughest bill that I have been involved in my 12 years on the committee.

Nonetheless, we have managed to continue funding, at reasonable rates, our on-going priorities for the Corps of Engineers, the Bureau of Reclamation, the Department of Energy, and the other independent agencies within our jurisdiction.

And we have maintained these on-going programs in a manner that is not only within the 602(b) allocations but over $400 million under the President's budget request.

It is true that no one is completely happy with our product here, but again, it is a fair, balanced, and responsible bill.

One of the priorities that we have been able to maintain and strengthen is our commitment to solar and renewable energy programs.

While I certainly was among those who advocated a higher funding level, these programs were funded at above the President's budget request.

I would also like to point out that the conference report as it comes before the House contains significant investments in much-needed flood control and water supply projects which are critical to communities throughout our Nation.

Mr. Speaker, I would also like to take this opportunity to commend the good work of the chairman of the Energy and Water Subcommittee, Mr. BEVILL; Mr. MYERS, the ranking minority member; and the subcommittee's dedicated staff. They have done an outstanding job over the years in defending the interests of the House, and this year is no different.

Mr. Speaker, I would especially like to thank Mr. BEVILL and Mr. MYERS for their assistance in defending the many varied needs of California. As in the past, the other body removed many of the projects of critical need to my State. But with the help and leadership of the chairman and Mr. MYERS, nearly all of our projects were restored.

For example, the conference report continues to support the efforts of the Corps of Engineers to address the flood threat to Sacramento and parts of Yolo County. The conference report contains funds that will help us improve the operation of the massive Central Valley project in California, making the project more protective of the environment and thereby helping to ensure that the CVP can continue to meet its critical flood control and water supply purposes.

And the bill continues to support a strong role for the Corps of Engineers in wetlands restoration, particularly in the Central Valley of California, where we have seen 98 percent of the historical wetlands destroyed over the years.

The bill—through its support for the SSC, general science, and other nuclear and high energy physics research—will also help maintain our Nation's position as a world leader in science and technology.

And we have made every effort to ensure that adequate funds are available to continue the cleanup of toxic and hazardous materials from our DOE facilities across the country.

Again, Mr. Speaker, I thank Mr. BEVILL and Mr. MYERS for their cooperation and support, and their sensitivity to the many water development and energy-related problems facing the Nation. I urge my colleagues to support the conference report.

Mr. GRADISON. Mr. Speaker, as Congress rushes to complete legislation prior to adjournment in a few weeks, fast-moving bills and conference agreements may have budget enforcement implications that Members should note. I have pointed out several of these instances already in statements in the CONGRESSIONAL RECORD, most recently on September 15 at page E2628. Taken separately, these infractions may seem small. Added together, it is possible that they could have substantive enforcement consequences.

The bill I wish to discuss today is H.R. 5373, the energy and water development appropriations bill for fiscal year 1993. This bill appears to breach the firewall between defense and domestic spending.

It shifts $64.5 million for research in particle physics from the Department of Energy's general science account to the Defense budget. The money in question would go to the Los Alamos Meson Research Facility, which the Department of Energy plans to close. This research has no military application. Funding the site through Defense accounts makes way for spending on domestic programs. I can see no reason for this transfer other than to avoid making hard choices on domestic discretionary spending.

The firewall between defense and domestic spending was established only 2 years ago and was resoundingly reaffirmed by the House in March. Breaching the firewall has a price. The funding contained in this conference agreement is below the President's request on both the domestic and defense sides, even with this breach. But the Office of Management and Budget indicates that it will continue to score the Los Alamos facility as domestic spending. Most of the domestic appropriations bills are still awaiting final action. Unless these remaining bills recognize that the $64.5 million will be scored by OMB as domestic discretionary spending, an end-of-session sequester could be triggered in early November.

Mr. PENNY. Mr. Speaker, I rise in opposition to the energy and water appropriations bill for two simple reasons. First, the spending levels in this measure are $700 million higher than the amount approved by the House of Representatives just a few months ago. Second, this measure restores funding, almost $600 million, for the superconducting super collider, a project which the House had voted to cancel.

We need to reduce the deficit and make tough choices. This bill moves us in the wrong direction. I urge a "no" vote.

Mr. RAHALL. Mr. Speaker, I rise in strong support of H.R. 5373, the fiscal year 1993 en-

ergy and water appropriations conference report.

While I may not be perfectly happy with the spending level finally agreed to in conference, I do understand the constraints under which our able chairman, and my esteemed friend Mr. BEVILL, and his colleagues were working during final deliberation on the conference agreement.

To be specific, when this bill left the House, it called for $22 billion in spending, but it was $700 million short when it came back to us from conference with the other body. Nevertheless, I understand also the spirit of comity and compromise that go into reaching agreements on appropriations bills, especially when we have so little, it seems, to spend against such enormous need. Again, let me state my gratitude for the yoeman's work that went into the agreement, and let me say that I am grateful for what it will be able to do for West Virginia and the Nation as a whole.

I shall begin my brief overview of the conference agreement by expressing my deep appreciation for the level funding for the Appalachian Regional Commission [ARC], which gained $5 million between leaving the House and getting through conference. ARC will be funded at $190 million under this bill, the same as last year, and will go far toward helping the Nation's poverty pocket, known as Appalachia, come into the mainstream of America—both through economic development and through a highway system intended to provide access and linkages with the U.S. Interstate System as well as other primary arteries within the 13 Appalachian States. The $190 million, while it freezes ARC at the fiscal year 1992 appropriation level, is still a far cry from a massive cut of $100 million for ARC, as recommended by the President.

I was privileged, Mr. Speaker, to testify before the Subcommittee on Energy and Water Development this year, on behalf of projects in my district in West Virginia.

I testified on a number of projects managed by the Corps of Engineers which are of vital importance to my district, projects which span the range of the construction process from authorized studies to operations and maintenance.

The first project, the Kanawha River Basin comprehensive study, and the second, the West Virginia comprehensive study are of prime importance, and I deeply appreciate their inclusion in this bill.

The Kanawha River Basin comprehensive study affects the Kanawha River Basin in West Virginia, Virginia, and North Carolina. The project needed $700,000 in order to bring about early completion of the project and, since this is an ongoing project, I deeply appreciate the approval of a $500,000 allowance under this bill for its continuation at a time when resources are so scarce.

As a result of public hearings held by the Corps of Engineers, two additional areas of interest evolved, expanding the original scope of the study to determine the feasibility of creating a series of intermodal ports and industrial parks.

I am pleased also to note that an additional $500,000 is provided for the West Virginia port development comprehensive study along the West Virginia side of the Ohio River, focusing on the counties of Cabell, Wayne, Wood, and Ohio, and the West Virginia side of the Big Sandy River.

The second part of the expanded study, which would be covered by the increased funding for the West Virginia comprehensive study, involves examining the feasibility of developing the Virginia Point Recreation Area located in Kenova, WV, in Wayne County, the result of corps' hearings and workshops which led to local sponsors giving their commitment to share in the costs of the study. The corps reestimated that with $500,000 they would be able to accommodate the enlarged study scope to include a reconnaissance riverport development study of the West Virginia side of the Ohio River, focusing on the riverfronts of the cities of Parkersburg, Point Pleasant, Virginia Point, and Wheeling, WV.

Mr. Speaker, riverfront development is one of the keys to unlocking the economic development potential that exists along the Big Sandy and the Ohio Rivers, and this additional $1 million total funding will permit us to move forward into the next critical phase of the process.

H.R. 5373 has provided well for my State and district with respect to expanded studies described above, and will go far toward developing this historic and natural area for potential recreational as well as commercial use.

Aside from the expanded studies recommended by the corps, there is one other project in its construction phase, and it is of particular importance to my district—the Tug Fork project. H.R. 5373 has proposed to spend $67,450,000 for the Levisa and Tug Forks and Upper Cumberland River construction projects in West Virginia, Kentucky, and Virginia.

H.R. 5373 also allows $25 million for the Gallipolis Locks and Dams for West Virginia and Ohio, and $38.5 million for the Winfield Lock and Dam in West Virginia, which is sorely needed.

Further, I am pleased to note that the following Corps of Engineers general investigations and planning projects have been funded in my district and State, in addition to those outlined above:

Island Creek at Logan, WV (planning)	$304,000
Kanawha River Navigation, WV (investment)	1,050,000
Moorefield, WV (planning)	585,000

Mr. Speaker the $304,000 for the island Creek PED at Logan, WV, can be used to complete the project there, and is of utmost importance to that area which is located in my district.

It pleases me also to note that Corps of Engineers' operations and maintenance projects for the coming fiscal year include:

Beech Fork Lake, WV	$679,000
Bluestone Lake, WV	1,278,000
Burnsville Lake, WV	1,241,000
East Lynn Lake, WV	1,052,000
Elk River Harbor, WV	314,000
Elkins, WV	6,000
Kanawha River Locks and Dams, WV	8,829,000
Ohio River Locks and Dams, Huntington, WV	14,196,000
Ohio River Open Channel Work, Huntington, WV	1,833,000
R.D. Bailey Lake, WV	1,322,000
Stonwall Jackson Lake, WV	892,000
Summersville Lake, WV	1,476,000
Sutton Lake, WV	1,750,000
Tygart Lake, WV	1,078,000

Mr. Speaker, the funding for Beech Fork Lake in West Virginia and for East Lynn, R.D. Bailey, and Bluestone Lakes, will serve the needs of several flood control projects. The significant funding levels for the Ohio River Locks and Dams and for open channel work in Huntington, WV, are critically needed and I deeply appreciate their inclusion in H.R. 5373.

Again, let me express my strong support for H.R. 5373 and to congratulate my esteemed friend and colleague, TOM BEVILL, the distinguished chairman of the Energy and Water Appropriations Committee, and his able colleagues, for bringing back to us this conference agreement, containing vital continuation funding for critically needed flood control, navigation, operations and maintenance of water resources development projects throughout the United States.

I urge my colleagues to join with me in strong support of the conference agreement on H.R. 5373, and hope that the bill do pass.

Mr. EMERSON. Mr. Speaker, I rise today in strong support of the conference report to the energy and water development appropriations for fiscal year 1993, and I applaud the commendable job done by the Subcommittee on Water Development.

This bill provides crucial funding for the Department of Energy and the Department of the Interior's Bureau of Reclamation, as well as for the Corps of Engineers, in keeping our rivers, harbors, lakes, and coastlines safe and operational.

Moreover, this piece of legislation addresses an issue that remains of utmost importance to me and my constituents in the Eighth District of Missouri—this being flood control. Throughout my district, problems with flood control continue to hamper agricultural production and stifle economic development. However, no part of this country is invulnerable to the problem associated with water—whether it be too much or too little. This bill provides the needed funding for a number of critical flood control projects throughout the United States, as well as for rescue work, repair, and restoration to areas threatened or destroyed by floods.

I am pleased to see that this bill recognizes the many diverse needs relating to flood control and navigation, while acknowledging the fiscal restraints in which we find ourselves. I believe this bill is a further investment in improving our infrastructure, and I urge its passage.

Mr. DORGAN of North Dakota. Mr. Speaker, I voted against the conference report on Energy and Water because the conference added $483 million in spending for the super collider.

We voted earlier in the House to kill the spending for the super collider. But the conference has caved in to the Senate and allowed $483 million of additional spending for a project of questionable value.

Our country is $4 trillion in debt with a deficit this year of over $400 billion. We simply can't continue this kind of spending if we are going to make any progress to control these deficits.

I regret I cannot vote for this bill because there are some important projects in it includ-

ing funding for the Garrison diversion project in North Dakota and many other useful and important projects. But my support for those parts of the bill is not justification for voting for $483 million more of spending for something that our country doesn't need.

Mr. BEREUTER. Mr. Speaker, this Member regretfully opposes the energy and water appropriations conference report for H.R. 5373 for fiscal year 1993. Although this conference report contains funding for many important projects—including projects that I have strongly supported, this Member cannot vote for its passage.

By including $517 million in funding for the superconducting super collider, conferees have totally ignored the mandate of the House to eliminate funding for this overbudget project which consumes far more than its fair share of precious science funds. In fact the amount of the appropriations exceeds the amount for the SSC in the bill originally brought to the House floor. It came to the House at a level of $484 million. The House rejected it by recorded vote but it came back to us at $517 million; that is outrageous. Therefore, this Member cannot support the energy and water appropriations conference report for fiscal year 1993, and I would refer back to my statements in opposition to the superconducting super collider as printed in the CONGRESSIONAL RECORD on June 17, 1992, at page 15171.)

CONFERENCE REPORT ON H.R. 5373, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1993

SPEECH OF

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1992

Mr. MINETA. Mr. Speaker, I rise today in strong support of the fiscal year 1993 Energy and Water Appropriations Conference Report. This conference report contains funding for some of northern California's most important flood control projects: the Gaudalupe River Project, the Coyote and Berryessa Creek projects, and the upper Guadalupe River plan.

For 50 years, Santa Clara Valley has tried to control the flooding of homes and businesses when the Gaudalupe River spilled over its banks. And for 50 years, the citizens of the valley have asked Congress for assistance to help control the river.

I've been working on this project for 25 years from the time I served on the San Jose City Council, through my 4 years as mayor, and today as a Representative in Congress. Had it not been for consistent support and help of our colleague, Mr. EDWARDS, throughout this time, the valley might be faced with another 50 years of flooding. But with the passage of this appropriations legislation, flood control is assured.

Part of the vision of flood control in the valley is beautiful parkland, a greenbelt for downtown San Jose. If Washington beancounters had had their way, San Jose would have been forced to build slabs of grey concrete where green grass and a public park will be. But this legislation will provide San Jose with the flood control its needs, and in a way that will enhance our public space.

Congress can take great pride in this victory. This conference report will help build the America we need for the 21st century. I urge the support of our colleagues for this legislation.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

MOTION TO RECOMMIT OFFERED BY MRS. VUCANOVICH

Mrs. VUCANOVICH. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentlewoman opposed to the conference report?

Mrs. VUCANOVICH. In its present form, I am, Mr. Speaker.

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

The Clerk read as follows:

Mrs. VUCANOVICH moves to recommit the conference report on the bill, H.R. 5373, to the committee of conference.

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 motion to recommit was rejected.

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

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 245, nays 143, not voting 44, as follows:

[Roll No. 399]

YEAS—245

Abercrombie	Brooks	Darden
Ackerman	Browder	Davis
Alexander	Brown	de la Garza
Anderson	Bryant	DeFazio
Andrews (NJ)	Bunning	DeLauro
Andrews (TX)	Bustamante	DeLay
Annunzio	Byron	Derrick
Aspin	Callahan	Dickinson
Bacchus	Camp	Dicks
Baker	Cardin	Dingell
Barton	Carper	Dixon
Bateman	Carr	Dooley
Bentley	Chapman	Doolittle
Berman	Clinger	Dornan (CA)
Bevill	Coleman (TX)	Downey
Bilbray	Combest	Durbin
Bilirakis	Cooper	Dwyer
Bliley	Costello	Edwards (OK)
Boehner	Cox (CA)	Edwards (TX)
Bonior	Cox (IL)	Emerson
Borski	Coyne	Engel
Boucher	Cramer	Erdreich
Brewster	Cunningham	Espy
Evans	Lightfoot	Roe
Fawell	Livingston	Roemer
Fazio	Lloyd	Rogers
Fields	Long	Rohrabacher
Ford (TN)	Lowery (CA)	Ros-Lehtinen
Franks (CT)	Lowey (NY)	Rose
Frost	Martinez	Rostenkowski
Gallegly	Matsui	Rowland
Gallo	Mazzoli	Russo
Gaydos	McCandless	Sabo
Gejdenson	McCloskey	Sangmeister
Gekas	McDade	Santorum
Gephardt	McDermott	Sarpalius
Geren	McHugh	Savage
Gibbons	McMillen (MD)	Saxton
Gilchrest	McNulty	Schaefer
Gilman	Meyers	Schiff
Gonzalez	Michel	Schulze
Grandy	Miller (CA)	Serrano
Green	Miller (OH)	Sharp
Guarini	Miller (WA)	Shuster
Hall (OH)	Mineta	Skaggs
Hall (TX)	Mink	Skeen
Hamilton	Mollohan	Skelton
Hammerschmidt	Montgomery	Slaughter
Hansen	Moody	Smith (FL)
Harris	Moorhead	Smith (IA)
Hatcher	Moran	Smith (NJ)
Herger	Morrison	Smith (TX)
Hertel	Murtha	Stallings
Hobson	Myers	Stenholm
Hochbrueckner	Nagle	Stokes
Hopkins	Natcher	Sundquist
Houghton	Nowak	Swift
Hoyer	Oakar	Tauzin
Hubbard	Oberstar	Taylor (MS)
Hughes	Olin	Taylor (NC)
Hunter	Ortiz	Thomas (GA)
Hyde	Packard	Thomas (WY)
Inhofe	Pallone	Thornton
Jefferson	Parker	Torres
Jenkins	Pastor	Torricelli
Johnson (CT)	Paxon	Towns
Johnson (SD)	Payne (NJ)	Traficant
Kaptur	Payne (VA)	Unsoeld
Kasich	Perkins	Vander Jagt
Kennelly	Peterson (FL)	Visclosky
Kildee	Peterson (MN)	Volkmer
Kleczka	Pickett	Walker
Kolbe	Poshard	Walsh
Kopetski	Price	Whitten
Kyl	Pursell	Williams
LaFalce	Quillen	Wilson
Lagomarsino	Rahall	Wise
LaRocco	Rangel	Wylie
Laughlin	Ray	Yates
Leach	Regula	Young (AK)
Lehman (CA)	Rhodes	Young (FL)
Lewis (CA)	Rinaldo	

NAYS—143

Allard	Fish	Lewis (GA)
Allen	Flake	Lipinski
Andrews (ME)	Foglietta	Luken
Armey	Ford (MI)	Machtley
Ballenger	Frank (MA)	Markey
Barrett	Gillmor	Martin
Beilenson	Glickman	McCollum
Bennett	Goodling	McCurdy
Bereuter	Goss	McEwen
Blackwell	Gradison	McGrath
Boehlert	Gunderson	McMillan (NC)
Bruce	Hancock	Mfume
Burton	Hastert	Moakley
Campbell (CA)	Hayes (IL)	Molinari
Clay	Hefley	Morella
Clement	Hefner	Murphy
Coble	Henry	Neal (MA)
Coleman (MO)	Hoagland	Neal (NC)
Collins (IL)	Horn	Nichols
Collins (MI)	Hutto	Nussle
Condit	Jacobs	Obey
Coughlin	James	Olver
Crane	Johnson (TX)	Orton
Dannemeyer	Johnston	Owens (NY)
Dellums	Jontz	Oxley
Dorgan (ND)	Kanjorski	Panetta
Dreier	Klug	Patterson
Duncan	Kolter	Pease
Dymally	Kostmayer	Penny
Early	Lancaster	Petri
Eckart	Lantos	Porter
Edwards (CA)	Lent	Ramstad
English	Levin (MI)	Ravenel
Feighan	Lewis (FL)	Reed

Ritter	Smith (OR)	Upton
Roberts	Snowe	Valentine
Roth	Solomon	Vento
Roukema	Spence	Vucanovich
Roybal	Spratt	Waters
Sanders	Staggers	Waxman
Sawyer	Stark	Weldon
Schroeder	Stearns	Wheat
Schumer	Studds	Wolf
Sensenbrenner	Stump	Wolpe
Shays	Swett	Wyden
Sikorski	Synar	Zeliff
Sisisky	Tallon	Zimmer
Slattery	Tanner	

NOT VOTING—44

Anthony	Gordon	Owens (UT)
Applegate	Hayes (LA)	Pelosi
Archer	Holloway	Pickle
Atkins	Horton	Richardson
AuCoin	Huckaby	Ridge
Barnard	Ireland	Riggs
Boxer	Jones	Scheuer
Broomfield	Kennedy	Shaw
Campbell (CO)	Lehman (FL)	Solarz
Chandler	Levine (CA)	Thomas (CA)
Conyers	Manton	Traxler
Donnelly	Marlenee	Washington
Ewing	Mavroules	Weber
Fascell	McCrery	Yatron
Gingrich	Mrazek	

□ 1931

The Clerk announced the following pair:

On this vote:

Mr. Pickle for, with Mr. Washington against.

Mrs. COLLINS of Michigan, Mrs. COLLINS of Illinois, and Messrs. WYDEN, HEFNER, CLAY, SMITH of Oregon, MOAKLEY, and LANCASTER changed their vote from "yea" to "nay."

Mr. DORNAN of California and Mr. WILSON changed their vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore (Mr. COX of Illinois). Pursuant to the order of the House of Wednesday, September 16, 1992, the amendments in disagreement and motions printed in the joint explanatory statement of the committee of conference to dispose of amendments in disagreement are considered as read.

The Clerk will designate the first amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 2: Page 2, strike out all after line 22 over to and including "building" in line 12 on page 7, and insert:

Los Angeles County Drainage Area Water Conservation and Supply, California, $200,000;

Rancho Palos Verdes, California, $400,000;

Miami River Sediments, Florida, $50,000;

Casino Beach, Illinois, $110,000;

Chicago Shoreline, Illinois, $400,000;

McCook and Thornton Reservoirs, Illinois, $2,000,000;

Little Calumet River Basin (Cady Marsh Ditch), Indiana, $170,000;

Mississippi River, Vicinity of St. Louis, Missouri, $250,000;

Ste. Genevieve, Missouri, $300,000;

Passaic River Mainstem, New Jersey, $3,000,000; and

Red River Waterway, Shreveport, Louisiana, to Daingerfield, Texas, $1,000,000:

Provided further, That using $320,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue the cost-shared feasibility study of the Calleguas Creek, California, project based on the reconnaissance phase analyses of full intensification benefits resulting from a change in cropping patterns to more intensive crops within the floodplain. The feasibility study will consider the agricultural benefits using both traditional and nontraditional methods, and will include an evaluation of the benefits associated with the environmental protection and restoration of Mugu Lagoon: *Provided further*, That using $200,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to conduct a cost-shared feasibility study for flood control at Norco Bluffs, California, based on flood related flows and channel migration which have caused bank destabilization and damaged private property and public utilities in the area: *Provided further*, That using $300,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to expand the study of long-term solutions to shoaling problems in Santa Cruz Harbor, California, by incorporating the study of erosion problems between the harbor and the easterly limit of the City of Capitola, particularly beach-fill type solutions which use sand imported from within or adjacent to the harbor: *Provided further*, That using $210,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to include the study of Alafia River as part of the Tampa Harbor, Alafia River and Big Bend, Florida, feasibility study: *Provided further*, That using $250,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to conduct a feasibility study of the Muddy River, Boston, Massachusetts: *Provided further*, That using $50,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake feasibility phase studies for the Clinton River Spillway, Michigan, project: *Provided further*, That using $600,000 of the funds appropriated herein and $900,000 of the funds appropriated under this heading in Public Law 102-104, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue preconstruction engineering and design of the St. Louis Harbor, Missouri and Illinois, project: *Provided further*, That using $4,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue preconstruction engineering and design of the Raritan River Basin, Green Brook Sub-Basin, New Jersey, project in accordance with the design directives for the project contained in Public Law 100-202: *Provided further*, That using $200,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to review and evaluate the plan prepared by the City of Buffalo, New York, to relieve flooding and associated water quality problems in the north section of the city and to recommend other cost-effective alternatives to relieve the threat of flooding: *Provided further*, That using $150,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake a reconnaissance study of the existing resources of the Black Fox and Oakland Spring wetland areas in Murfreesboro, Tennessee, and examine ways to maintain and exhibit the wetlands, including an environmental education facility: *Provided further*, That using $950,000 of the funds appropriated under this heading in Public Law 102-104, the Secretary of the Army, acting through the Chief of Engineers, is directed to complete preconstruction engineering and design for the Richmond Filtration Plant, Richmond, Virginia, project: *Provided further*, That using $2,800,000 of the funds appropriated herein, the Secretary of the Army is authorized, in partnership with the Department of Transportation, and in coordination with other Federal agencies, including the Department of Energy, to evaluate the results of completed research and development associated with an advanced high speed magnetic levitation transportation system and to prepare and present documents summarizing the research findings and supporting the resultant recommendations concerning the Federal role in advancing United States maglev technology: *Provided further*, That using $300,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate the feasibility phase of the study of the Devil's Lake Basin, North Dakota and shall address the needs of the area for water management; stabilized lake levels, to include inlet and outlet controls; water supply; water quality; recreation; and enhancement and conservation of fish and wildlife: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to utilize up to $100,000, within available funds, to initiate studies to determine the necessary remedial measures to restore the environmental integrity of the lake area and channel depths necessary for small recreational boating in the vicinity of Drakes Creek Park on Old Hickory Lake, Tennessee: *Provided further*, That using $500,000 of available funds, the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate preconstruction engineering and design; and environmental studies for the Kaumalapau Harbor, Lanai, Hawaii project.

MOTION OFFERED BY MR. BEVILL

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

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. BEVILL moves that the House recede from its disagreement to the amendment of the Senate numbered 2 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert:

Los Angeles County Drainage Area Water Conservation and Supply, California, $200,000;

Los Angeles River Watercourse Improvement, California, $300,000;

Rancho Palos Verdes, California, $400,000;

Miami River Sediments, Florida, $50,000;

Monroe County (Smathers Beach), Florida, $500,000;

Casino Beach, Illinois, $110,000;

Chicago Shoreline, Illinois, $600,000;

McCook and Thornton Reservoirs, Illinois, $3,500,000;

Lake George, Hobart, Indiana, $260,000;

Little Calumet River Basin (Cady Marsh Ditch), Indiana, $170,000;

Mississippi River, Vicinity of St. Louis, Missouri, $500,000;

Ste. Genevieve, Missouri, $750,000;

Passaic River Mainstem, New Jersey, $10,000,000; and

Red River Waterway, Shreveport, Louisiana, to Daingerfield, Texas, $2,800,000: *Provided further*, That using $320,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue the cost-shared feasibility study of the Calleguas Creek, California, project based on the reconnaissance phase analyses of full intensification benefits resulting from a change in cropping patterns to more intensive crops within the floodplain. The feasibility study will consider the agricultural benefits using both traditional and nontraditional methods, and will include an evaluation of the benefits associated with the environmental protection and restoration of Mugu Lagoon: *Provided further*, That using $200,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to conduct a cost-shared feasibility study for flood control at Norco Bluffs, California, based on flood related flows and channel migration which have caused bank destabilization and damaged private property and public utilities in the area: *Provided further*, That using $300,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to expand the study of long-term solutions to shoaling problems in Santa Cruz Harbor, California, by incorporating the study of erosion problems between the harbor and the easterly limit of the City of Capitola, particularly beach-fill type solutions which use sand imported from within or adjacent to the harbor: *Provided further*, That using $210,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to include the study of Alafia River as part of the Tampa Harbor, Alafia River and Big Bend, Florida, feasibility study: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake a study of a greenway corridor along the Ohio River in new Albany, Clarksville, and Jeffersonville, Indiana, using $125,000 of the funds appropriated under this heading in Public Law 101–101 for Jeffersonville, Indiana, $127,000 of the funds appropriated under this heading in Public Law 101–514, and $250,000 of the funds appropriated under this heading in Public Law 102–104: *Provided further*, That using $450,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue the development of a comprehensive waterfront plan for the White River in central Indianapolis, Indiana: *Provided further*, That using $250,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to conduct a feasibility study of the Muddy River, Boston, Massachusetts: *Provided further*, That using $50,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake feasibility phase studies for the Clinton River Spillway, Michigan, project: *Provided further*, That using $600,000 of the funds appropriated herein and $900,000 of the funds appropriated under this heading in Public Law 102–104, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue preconstruction engineering and design of the St. Louis Harbor, Missouri and Illinois, project: *Provided further*, That using $3,500,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue preconstruction engineering and design of the Raritan River Basin, Green Brook Sub-Basin, New Jersey, project in accordance with the design directives for the project contained in Public Law 100–202: *Provided further*, That using $440,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to review and evaluate the plan prepared by the City of Buffalo, New York, to relieve flooding and associated water quality problems in the north section of the city and to recommend other cost-effective alternatives to relieve the threat of flooding: *Provided further*, That using $150,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake a reconnaissance study of the existing resources of the Black Fox and Oakland Spring wetland areas in Murfreesboro, Tennessee, and examine ways to maintain and exhibit the wetlands, including an environmental education facility: *Provided further*, That using $950,000 of the funds appropriated under this heading in Public Law 102–104, the Secretary of the Army, acting through the Chief of Engineers, is directed to complete preconstruction engineering and design for the Richmond Filtration Plant, Richmond, Virginia, project: *Provided further*, That using $250,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue the study of the disposition of the current Walla Walla, Washington, District headquarters including preparation of the environmental assessment and design work associated with demolition of the building: *Provided further*, That using $2,800,000 of the funds appropriated herein, the Secretary of the Army is authorized, in partnership with the Department of Transportation, and in coordination with other Federal agencies, including the Department of Energy, to evaluate the results of completed research and development associated with an advanced high speed magnetic levitation transportation system and to prepare and present documents summarizing the research findings and supporting the resultant recommendations concerning the Federal role in advancing United States maglev technology: *Provided further*, That using $300,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate the feasibility phase of the study of the Devil's Lake Basin, North Dakota, and shall address the needs of the area for water management; stabilized lake levels, to include inlet and outlet controls; water supply; water quality; recreation; and enhancement and conservation of fish and wildlife: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to utilize up to $100,000, within available funds, to initiate studies to determine the necessary remedial measures to restore the environmental integrity of the lake area and channel depths necessary for small recreational boating in the vicinity of Drakes Creek Park on Old Hickory Lake, Tennessee: *Provided further*, That using $500,000 of available funds, the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate preconstruction engineering and design; and environmental studies for the Kaumalapau Harbor, Lanai, Hawaii, project

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

The motion was agreed to.

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

The text of the amendment is as follows:

Senate amendment No. 3: Page 7, line 12, after "building" insert ": *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers is directed to utilize up to $500,000, within available funds, to undertake a reconnaissance level study on flooding problems associated with the sanitary landfill on the Salt River Pima-Maricopa Indian Reservation in the vicinity of the Salt River, Arizona".

MOTION OFFERED BY MR. BEVILL

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

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. BEVILL moves that the House recede from its disagreement to the amendment of the Senate numbered 3, and concur therein.

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

The motion was agreed to.

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

The text of the amendment is as follows:

Senate amendment No. 4: Page 7, line 12, after "building" insert ": *Provided further*, That using $500,000 appropriated herein, to remain available until expended, the Secretary of the Army acting through the Chief of Engineers, is directed to continue preconstruction, engineering and design for the Kentucky Lock addition in accordance with the Report of the Chief of Engineers, dated June 1, 1992".

MOTION OFFERED BY MR. BEVILL

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

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. BEVILL moves that the House recede from its disagreement to the amendment of the Senate numbered 4, and concur therein.

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

The motion was agreed to.

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

The text of the amendment is as follows:

Senate amendment No. 6: Page 7, line 12, after "building" insert ": *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers is directed to use $5,000,000 of available funds to carry out the purposes of section 411 of Public Law 101–640".

MOTION OFFERED BY MR. BEVILL

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

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. BEVILL moves that the House recede from its disagreement to the amendment of the Senate numbered 6 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert: "$1,000,000".

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

The motion was agreed to.

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

The text of the amendment is as follows:

Senate amendment No. 7: Page 7, line 22, strike out "$1,235,502,000" and insert: "$1,233,937,000".

MOTION OFFERED BY MR. BEVILL

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

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. BEVILL moves that the House recedes from its disagreement to the amendment of the Senate numbered 7 and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment, insert: "$1,230,503,000".

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

The motion was agreed to.

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

The text of the amendment is as follows:

Senate amendment No. 8: Page 7, line 25, strike "Fund" and insert: "Fund, for one half of the costs of construction and rehabilitation of inland waterways projects, including rehabilitation costs for the following projects: Mississippi River, Lock and Dam 13, Illinois and Iowa; Mississippi River, Lock and Dam 15, Illinois and Iowa; Illinois Waterway, Brandon Road, Dresden Island, Marseilles, and Lockport Locks and Dams, Illinois".

MOTION OFFERED BY MR. BEVILL

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

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. BEVILL moves that the House recede from its disagreement to the amendment of the Senate numbered 8, and concur therein.

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

The motion was agreed to.

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

The text of the amendment is as follows:

Senate amendment No. 9: Page 8, strike out all after line 3 to and including "projects" in line 13 on page 14, and insert:

O'Hare Reservoir, Illinois, $3,000,000;

Des Moines Recreational River and Greenbelt, Iowa, $1,000,000;

Red River Basin Chloride Control, Texas and Oklahoma, $6,000,000; and

Wallisville Lake, Texas, $500,000:

Provided further, That using $7,653,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue the project to correct seepage problems at Beaver Lake, Arkansas, and all costs incurred in carrying out that project shall be recovered in accordance with the provisions of section 1203 of the Water Resources Development Act of 1986: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, shall expend $500,000 of the funds appropriated herein and additional amounts as required from previously appropriated funds to continue plans and specifications, environmental documentation, and the comprehensive hydraulic modeling necessary to achieve to the maximum extent practicable in fiscal year 1993 the project to restore the riverbed gradient at Mile 206 of the Sacramento River in California, for purposes of stabilizing the level of the river and establishing the proper hydraulic head to facilitate new fish protection facilities, the planning, design and implementation of which are integrally related to the planning, design and implementation of the project to restore the flood-damaged riverbed gradient: *Provided further*, That, using $660,000 in funds previously appropriated in Public Law 102–104, the Secretary of the Army, acting through the Chief of Engineers, is directed to develop a floodplain management planning model for the Yolo Bypass and adjacent areas as deemed appropriate, except, as provided in section 321 of Public Law 101–640, such funds shall not be subject to cost-sharing requirements. The one-time construction of operation and maintenance facilities shall be included as part of project costs with appropriate cost-sharing: *Provided further*, That using $4,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to complete preconstruction engineering and design for the San Timoteo feature of the Santa Ana River Mainstem, California, project: *Provided further*, That, using funds available in this Act or any previous appropriations Act, the Secretary of the Army shall undertake at Federal expense such actions as are necessary to ensure the safety and integrity of the work performed under Contract Number DACW05–86–C–0101 for the Walnut Creek, California, flood control project: *Provided further*, That using $700,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue work on project modifications for the improvement of the environment, as part of the Anacostia River Flood Control and Navigation project, District of Columbia and Maryland, under the authority of section 1135 of Public Law 99–662, as amended: *Provided further*, That using $3,000,000 of the funds appropriated under this heading in Public Law 101–514, the Secretary of the Army, acting through the Chief of Engineers, is directed to complete real estate appraisals and make offers to willing sellers for the purchase of land at Red Rock Lake and Dam, Iowa, no later than October 31, 1993, in accordance with Public Law 99–190: *Provided further*, That with $22,500,000 of the funds appropriated herein to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue to undertake structural and nonstructural work associated with the Barbourville, Kentucky, and the Harlan, Kentucky, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project authorized by section 202 of Public law 96–367: *Provided further*, That with $20,565,000 of the funds appropriated herein to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue to undertake structural and nonstructural work associated with Matewan, West Virginia, element of the Levisa and Tug Forks of the Big Sandy and Upper Cumberland River project authorized by section 202 of Public Law 96–367: *Provided further*, That with $23,000,000 of prior year appropriations to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue construction of the Lower Mingo County, West Virginia, element of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project authorized by section 202 of Public Law 96–367: *Provided further*, That with $1,500,000 of the funds appropriated herein to remain available until expended, the Secretary of the army, acting through the Chief of Engineers, is directed to initiate and complete construction using continuing contracts construction of the Hatfield Bottom, West Virginia, element of the Levisa and Tug Forks of the Big Sandy and Upper Cumberland River project authorized by section 202 of Pubic Law 96–367: *Provided further*, That with $1,195,000 of the funds appropriated herein to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is directed to expedite completion of specific project reports for McDowell County, West Virginia, Upper Mingo County, West Virginia, Wayne County, West Virginia, Upper Tug Fork Tributaries, West Virginia, Tug Fork, West Virginia, and Pike County, Kentucky: *Provided further*, That no fully allocated funding policy shall apply to construction of the Matewan, West Virginia, Lower Mingo County, West Virginia, Hatfield Bottom, West Virginia, Barbourville, Kentucky, and Harlan, Kentucky, elements of the Levisa and Tug Forks of the Big Sandy and Upper Cumberland river project; and specific project reports for McDowell County, West Virginia, Upper Mingo County, West Virginia, Wayne County, West Virginia, Tug Fork Tributaries, West Virginia, Upper Tug Fork, West Virginia, and Pike County, Kentucky: *Provided further*, That using $7,700,000 of the funds appropriated herein and $4,300,000 of the funds appropriated in Public Law 102–104, the Secretary of the Army, acting through the Chief of Engineers, is directed to incorporate parallel protection along the Orleans and London Avenue Outfall Canals into the authorized Lake Pontchartrain and Vicinity, Louisiana, Hurricane Protection project and award continuing contracts for construction of this parallel protection to be cost shared as part of the overall project, not separately, in accordance with the cost sharing provisions outlined in Public Law 89–298 and Public Law 102–104. Therefore, agreements executed prior to 1 June 1992 between the Federal Government and the local sponsors for the authorized project shall suffice for this purpose and will not require any additional local cost sharing agreements or supplements: *Provided further*, That using $4,400,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue design and construction of the Ouachita River levees, Louisiana, project in an orderly but expeditious manner including rehabilitation or replacement at Federal expense of all deteriorated drainage

structures which threaten the security of this critical protection: *Provided further*, That the project for flood control, Sowashee Creek, Meridian, Mississippi, authorized by the Water Resources Development Act of 1986 (Public Law 99–662) is modified to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to construct the project with an expanded scope recreation plan, as described in the Post Authorization Change Report of the Chief of Engineers dated August 1991, and at a total project cost of $31,994,000 with an estimated first Federal cost of $19,706,000 and an estimated non-Federal cost of $12,288,000. The Federal share of the cost of the recreation features shall be 50 percent exclusive of lands, easements, rights-of-way and relocations: *Provided further*, That using $175,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to provide sewage disposal hookup for the Crosswinds Marina at the B. Everett Jordan Dam and Lake, North Carolina, project: *Provided further*, That using $300,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue work on the Feature Design Memorandum for Forest Ridge Peninsula Recreation Area at the Falls Lake, North Carolina, project: *Provided further*, That using $5,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue work on the New York Harbor Collection and Removal of Drift, New York and New Jersey, project including the continuation of engineering and design of the remaining portions of the Brooklyn 2, Kill Van Kull, Shooters Island, Bayonne, and Passaic River Reaches, the completion of the design memoranda for the Arthur Kill, New York, and Arthur Kill, New Jersey, reaches, the continuation of construction on the Weehawken-Edgewater, New Jersey and Brooklyn 2A reaches, and the completion of construction on the Jersey City North 2 reach: *Provided further*, That using $2,000,000 of the funds appropriated herein to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to pay such sums or undertake such measures as are necessary to compensate for costs of repair, relocation, restoration, or protection of public and private property and facilities in Washington and Idaho damaged by the drawdown undertaken in March 1992 by the United States Army Corps of Engineers at the Little Goose and Lower Granite projects in Washington: *Provided further*, That using not to exceed $2,000,000 of the funds appropriated herein for the Columbia River Juvenile Fish Mitigation, Washington project, the Secretary of the Army, acting through the Chief of Engineers, is authorized to undertake advanced planning and design of modifications to public and private facilities that may be affected by operation of John Day Dam at minimum operating pool (elevation 257 feet): *Provided further*, That using $2,500,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed upon dissolution of the injunction by the United States District Court, to conduct the necessary engineering and design, and prepare the plans and specifications to resume construction of the Elk Creek Dam in Oregon: *Provided further*, That the Secretary of the Army is directed to permit the non-Federal sponsor of recreation facilities at Willow Creek Lake in Oregon to contribute, in lieu of cash, all or any portion of its share of the project with work in-kind, including volunteer labor and donated materials and equipment: *Provided further*, That with $2,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake further construction aspects of the Bethel, Alaska Bank Stabilization Project as authorized by Public Law 99–662 including but not limited to the installation of steel whalers and additional rock toe protection to the pipe pile, bulkheads and other areas vulnerable to collapse: *Provided further*, That no fully allocated funding policy shall apply to construction of the Bethel, Alaska Bank Stabilization Project and to the greatest extent possible the work described herein should be compatible with the authorized project: *Provided further*, That using funds made available in this Act or any previous appropriation Act, the Secretary of the Army shall construct a project for streambank protection along 2.2 miles of the Tennessee River adjacent to Sequoyah Hills Park in Knoxville, Tennessee, at a total cost of $600,000, with an estimated first Federal cost of $450,000 and an estimated first non-Federal cost of $150,000 and an estimated first non-Federal cost of $150,000: *Provided further*, That with $3,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers is authorized and directed to excavate the St. George Harbor entrance to 20 MLLW in accordance with the cost sharing provisions in Public Law 99–662.

MOTION OFFERED BY MR. BEVILL

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

The SPEAKER pro tempore. The Clerk will designate the motion.

The test of the motion is as follows:

Mr. BEVILL moves that the House recede from its disagreement to the amendment of the senate numbered 9 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert:

Kissimmee River, Florida, $8,000,000;

O'Hare Reservoir, Illinois, $3,000,000;

Des Moines Recreational River and Greenbelt, Iowa, $2,500,000;

Red River Basin Chloride Control, Texas and Oklahoma, $6,000,000;

Wallisville Lake, Texas, $500,000; and

LaConner, Washington, $870,000:

Provided further, That using $7,653,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue the project to correct seepage problems at Beaver Lake, Arkansas, and all costs incurred in carrying out that project shall be recovered in accordance with the provisions of section 1203 of the Water Resources Development Act of 1986: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to base all economic analyses of the Sacramento River Flood Control (Deficiency Correction), California, project on the benefits of the entire project, rather than the benefits of individual increments of the project: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, shall expend $500,000 of the funds appropriated herein and additional amounts as required from previously appropriated funds to continue plans and specifications, environmental documentation, and the comprehensive hydraulic modeling necessary to achieve to the maximum extent practicable in fiscal year 1993 the project to restore the riverbed gradient at Mile 206 of the Sacramento River in California, for purposes of stabilizing the level of the river and establishing the proper hydraulic head to facilitate new fish protection facilities, the planning, design and implementation of which are integrally related to the planning, design and implementation of the project to restore the flood-damaged riverbed gradient: *Provided further*, That using $660,000 in funds previously appropriated in Public Law 102–104, the Secretary of the Army, acting through the Chief of Engineers, is directed to develop a floodplain management planning model for the Yolo Bypass and adjacent areas as deemed appropriate, except, as provided in section 321 of Public Law 101–640, such funds shall not be subject to cost-sharing requirements. The one-time construction of operation and maintenance facilities associated with the Yolo Basin Wetlands, Sacramento River, California, project shall be included as part of project costs for the purposes of cost-sharing authorized by law: *Provided further*, That using $4,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to complete preconstruction engineering and design for the San Timoteo feature of the Santa Ana River Mainstem, California, project: *Provided further*, That using funds available in this Act or any previous appropriations Act, the Secretary of the Army shall undertake at Federal expense such actions as are necessary to ensure the safety and integrity of the work performed under Contract Number DACW05–85–C–0101 for the Walnut Creek, California, flood control project: *Provided further*, That using $700,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue work on project modifications for the improvement of the environment, as part of the Anacostia River Flood Control and Navigation project, District of Columbia and Maryland, under the authority of section 1135 of Public Law 99–662, as amended: *Provided further*, That using $3,000,000 of the funds appropriated under this heading in Public Law 101–514, the Secretary of the Army, acting through the Chief of Engineers, is directed to complete real estate appraisals and make offers to willing sellers for the purchase of land at Red Rock Lake and Dam, Iowa, no later than October 31, 1993, in accordance with Public Law 99–190; *Provided further*, That with $22,500,000 of the funds appropriated herein to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue to undertake structural and nonstructural work associated with the Barbourville, Kentucky, and the Harlan, Kentucky, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project authorized by section 202 of Public Law 96–367; *Provided further*, That with $20,565,000 of the funds appropriated herein to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue to undertake structural and nonstructural work associated with the Matewan, West Virginia, element of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project authorized by section 202 of Public Law 96–367; *Provided further*, That with $23,000,000 of prior year appropriations to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue construction of the Lower Mingo County, West Virginia, element of the Levisa and Tug Forks of the Big

Sandy River and Upper Cumberland River project authorized by section 202 of Public Law 96-367; *Provided further*, That with $1,500,000 of the funds appropriated herein to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate and complete construction, using continuing contracts, of the Hatfield Bottom, West Virginia, element of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project authorized by section 202 of Public Law 96-367; *Provided further*, That with $1,195,000 of the funds appropriated herein to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is directed to expedite completion of specific project reports for McDowell County, West Virginia, Upper Mingo County, West Virginia, Wayne County, West Virginia, Upper Tug Fork Tributaries, West Virginia, Tug Fork, West Virginia, and Pike County, Kentucky; *Provided further*, That no fully allocated funding policy shall apply to construction of the Matewan, West Virginia, Lower Mingo County, West Virginia, Hatfield Bottom, West Virginia, Barbourville, Kentucky, and Harlan, Kentucky, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project; and specific project reports for McDowell County, West Virginia, Upper Mingo County, West Virginia, Wayne County, West Virginia, Tug Fork Tributaries, West Virginia, Upper Tug Fork, West Virginia, and Pike County, Kentucky; *Provided further*, That using $400,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue construction of the Salyersville cut-through as authorized by Public Law 99-662, section 401(e)(1), in accordance with the Special Project Report for Salyersville, Kentucky, concurred in by the Ohio River Division Engineers on or about July 26, 1989; *Provided further*, That using $7,700,000 of the funds appropriated herein and $4,300,000 of the funds appropriated in Public Law 102-104, the Secretary of the Army, acting through the Chief of Engineers, is directed to incorporate parallel protection along the Orleans and London Avenue Outfall Canals into the authorized Lake Pontchartrain and Vicinity, Louisiana, Hurricane Protection project and award continuing contracts for construction of this parallel protection to be cost-shared as part of the overall project, not separately, in accordance with the cost-sharing provisions outlined in Public Law 89-298 and Public Law 102-104. Therefore, agreements executed prior to June 1, 1992, between the Federal Government and the local sponsors for the authorized project shall suffice for this purpose and will not require any additional local cost-sharing agreements or supplements: *Provided further*, That using $4,400,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue design and construction of the Ouachita River levees, Louisiana, project in an orderly but expeditious manner including rehabilitation or replacement at Federal expense of all deteriorated drainage structures which threaten the security of this critical protection: *Provided further*, That the project for flood control, Sowashee Creek, Meridian, Mississippi, authorized by the Water Resources Development Act of 1986 (Public Law 99-662) is modified to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to construct the project with an expanded scope recreation plan, as described in the Post Authorization Change Report of the Chief of Engineers dated August 1991, and at a total project cost of $31,994,000 with an estimated first Federal cost of $19,706,000 and an estimated non-Federal cost of $12,228,000. The Federal share of the cost of the recreation features shall be 50 percent exclusive of lands, easements, rights-of-way and relocations: *Provided further*, That using $175,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to provide sewage disposal hookup for the Crosswinds Marina at the B. Everett Jordan Dam and Lake, North Carolina, project: *Provided further*, That using $300,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue work on the Feature Design Memorandum for the Forest Ridge Peninsula Recreation Area at the Falls Lake, North Carolina, project: *Provided further*, That using $5,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue work on the New York Harbor Collection and Removal of Drift, New York and New Jersey, project including the continuation of engineering and design of the remaining portions of the Brooklyn 2, Kill Van Kill, Shooters Island, Bayonne, and Passaic River Reaches, the completion of the design memoranda for the Arthur Kill, New York, and Arthur Kill, New Jersey, reaches, the continuation of construction on the Weehawken-Edgewater, New Jersey and Brooklyn 2 reaches, and the completion of construction on the Jersey City North 2 reach: *Provided further*, That using $1,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate construction of the project for flood control, Molly Ann's Brook, New Jersey, in compliance with cost-sharing provided in section 1062 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240): *Provided further*, That using $2,000,000 of the funds appropriated herein to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to pay such sums or undertake such measures as are necessary to compensate for costs of repair, relocation, restoration, or protection of public and private property and facilities in Washington and Idaho damaged by the drawdown undertaken in March 1992 by the United States Army Corps of Engineers at the Little Goose and Lower Granite projects in Washington: *Provided further*, That using not to exceed $2,000,000 of the funds appropriated herein for the Columbia River Juvenile Fish Mitigation, Washington, project, the Secretary of the Army, acting through the Chief of Engineers, is authorized to undertake advanced planning and design of modifications to public and private facilities that may be affected by operation of John Day Dam at minimum operating pool (elevation 257 feet): *Provided further*, That using $2,500,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed upon dissolution of the injunction by the United States District Court, to conduct the necessary engineering and design, and prepare the plans and specifications to resume construction of the Elk Creek Dam in Oregon: *Provided further*, That the Secretary of the Army is directed to permit the non-Federal sponsor of recreation facilities at Willow Creek Lake in Oregon to contribute, in lieu of cash, all or any portion of its share of the project with work in-kind, including volunteer labor and donated materials and equipment: *Provided further*, That with $2,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake further construction aspects of the Bethel, Alaska, Bank Stabilization Project as authorized by Public Law 99-662 including but not limited to the installation of steel whalers and additional rock toe protection to the pipe pile, bulkheads and other areas vulnerable to collapse: *Provided further*, That no fully allocated funding policy shall apply to construction of the Bethel, Alaska, Bank Stabilization Project and to the greatest extent possible the work described herein should be compatible with the authorized project: *Provided further*, That using funds made available in this Act or any previous appropriations Act, the Secretary of the Army shall construct a project for streambank protection along 2.2 miles of the Tennessee River adjacent to Sequoyah Hills Park in Knoxville, Tennessee, at a total cost of $600,000, with an estimated first Federal cost of $450,000 and an estimated first non-Federal cost of $150,000: *Provided further*, That with $3,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to excavate the St. George Harbor, Alaska, entrance to −20 MLLW in accordance with the cost-sharing provisions in Public Law 99-662.

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

The motion was agreed to.

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

The text of the amendment is as follows:

Senate amendment No. 10: Page 14, line 13, after "projects" insert ": *Provided further*, That using $250,000 of funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to demolish and remove the India Point Railroad Bridge in the Seekonk River, Providence, Rhode Island as authorized by section 1166(c) of Public Law 99-662".

MOTION OFFERED BY MR. BEVILL

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

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. BEVILL moves that the House recede from its disagreement to the amendment of the Senate numbered 10, and concur therein.

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

The motion was agreed to.

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

The text of the amendment is as follows:

Senate amendment No. 11: Page 14, line 13, after "projects" insert ": *Provided further*, That with $600,000 of the funds appropriated herein, to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, to correct a design deficiency at the Falls Lake, North Carolina project, is authorized and directed to imple-

ment Plan 5 as described in the Design Memo Supplement dated November 1988, concurred in by the South Atlantic Division Engineer in March 1989, or any modifications to Plan 5 that would require raising the spillway only, or that minimize or eliminate the need for land acquisition by the Corps, provided such modifications are agreeable to the North Carolina Division of Water Resources and do not compromise the projected water supply levels, with cost sharing as prescribed in the referenced report for this design deficiency".

MOTION OFFERED BY MR. BEVILL

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

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

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

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

The motion was agreed to.

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

The text of the amendment is as follows:

Senate amendment No. 17: Page 17, line 3, strike out all after "programs" over to and including "project" in line 10 on page 18, and insert ": *Provided*, That not to exceed $7,000,000 shall be available for obligation for national emergency preparedness programs: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use up to $1,200,000 of available funds to undertake high priority recreation improvements at the Skiatook Lake, Oklahoma project: *Provided further*, That using $1,500,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue work on measures needed to alleviate bank erosion and related problems associated with reservoir releases along the Missouri River below Fort Peck Dam, Montana, as authorized by section 33 of the Water Resources Development Act of 1988: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to work with the U.S. Environmental Protection Agency to begin the immediate cleanup of the Ashtabula River, Ohio: *Provided further*, That using $600,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to update the project Master Plan for the Raystown Lake, Pennsylvania, project: *Provided further*, That, the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to use up to $5,000,000 of available funds to undertake necessary maintenance of the Kentucky River Locks and Dams 5–14, Kentucky prior to transfer of such facilities to the Commonwealth of Kentucky pursuant to the Memorandum of Understanding executed in 1985 concerning the Kentucky River Locks and Dams 5–14: *Provided further*, That using $1,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to construct and maintain bank stabilization measures along the west bank of the Calcasieu River Ship Channel in Louisiana from mile 11.5 through mile 15.5".

MOTION OFFERED BY MR. BEVILL

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

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. BEVILL moves that the House recede from its disagreement to the amendment of the Senate number 17 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert: *Provided further*, That $2,285,000 of the funds appropriated herein shall be used by the Secretary of the Army, acting through the Chief of Engineers, to continue the development of recreational facilities at Hansen Dam, California: *Provided further*, That $2,000,000 of the funds appropriated herein, to remain available until expended, shall be used by the Secretary of the Army, acting through the Chief of Engineers, to continue the development of recreational facilities at Sepulveda Dam, California: *Provided further*, That using $2,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue the repair and rehabilitation of the Flint River, Michigan, flood control project: *Provided further*, That $40,000 of the funds appropriated herein shall be used by the Secretary of the Army, acting through the Chief of Engineers, to continue the project for removal of silt and aquatic growth at Sauk Lake, Minnesota: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use up to $1,200,000 of available funds to undertake high priority recreational improvements at the Skiatook Lake, Oklahoma, project: *Provided further*, That using $1,500,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue work on measures needed to alleviate bank erosion and related problems associated with reservoir releases along the Missouri River below Fort Peck Dam, Montana, as authorized by section 33 of the Water Resources Development Act of 1988: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is authorized to operate and maintain at Federal expense the Passaic River flood warning system element of the Passaic River Mainstem Project, New Jersey, prior to construction of the project, and using $350,000 of the funds appropriated herein, the Secretary shall operate and maintain such element: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to work with the U.S. Environmental Protection Agency of begin the immediate cleanup of the Ashtabula River, Ohio: *Provided further*, That using $600,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to update the project Master Plan for the Raystown Lake, Pennsylvania, project: *Provided further*, That using $1,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to plan, design, and dredge an access channel and berthing area for the vessel NIAGARA at Erie Harbor, Pennsylvania, in an area known as the East Canal: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to use up to $5,000,000 of available funds to undertake necessary maintenance of the Kentucky River Locks and Dams 5–14, Kentucky, prior to transfer of such facilities to the Commonwealth of Kentucky pursuant to the Memorandum of Understanding executed in 1985 concerning the Kentucky River Locks and Dams 5–14: *Provided further*, That using $1,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to construct and maintain bank stabilization measures along the west bank of the Calcasieu River Ship Channel in Louisiana from mile 11.5 through mile 15.5

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

The motion was agreed to.

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

The text of the amendment is as follows:

Senate amendment No. 18: Page 18, line 10, after "project" insert: ": *Provided further*, That the Secretary is directed during fiscal year 1993 to maintain a minimum conservation pool level of 475.5 at Wister Lake in Oklahoma".

MOTION OFFERED BY MR. BEVILL

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

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. BEVILL moves that the House recede from its disagreement to the amendment of the Senate numbered 18 and concur therein with an amendment, as follows: In lieu of "475.5" named in said amendment, insert: "475.6".

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

The motion was agreed to.

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

The text of the amendment is as follows:

Senate amendment No. 19: Page 18, after line 14, insert:

None of the funds in this Act shall be used to identify or delineate any land as a "water of the United States" under the Federal Manual for Identifying and Delineating Jurisdictional Wetlands that was adopted in January 1989 (1989 Manual) or any subsequent manual not adopted in accordance with the requirements for notice and public comment of the rule-making process of the Administrative Procedure Act.

In addition, regarding Corps of Engineers ongoing enforcement actions and permit application involving lands which the Corps or EPA has delineated as waters of the United States under the 1989 Manual, and which have not yet been completed on the date of enactment of this Act, the landowner or permit applicant shall have the option to elect a new delineation under the Corps of 1987 Wetland Delineation Manual, or completion of the permit process or enforcement action based on the 1989 Manual delineation, unless the Corps of Engineers determines, after investigation and consultation with other appropriate parties, including the landowner or permit applicant, that the delineation would be substantially the same under either the 1987 or the 1989 Manual.

None of the funds in this Act shall be used to finalize or implement the proposed regula-

tions to amend the fee structure for the Corps of Engineers regulatory program which were published in Federal Register, Vol. 55, No. 197, Thursday, October 11, 1990.

MOTION OFFERED BY MR. BEVILL

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

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. BEVILL moves that the House recede from its disagreement to the amendment of the Senate numbered 19 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

None of the funds in this Act shall be used to identify or delineate any land as a "water of the United States" under the Federal Manual for Identifying and Delineating Jurisdiction Wetlands that was adopted in January 1989 or any subsequent manual adopted without notice and public comment.

Furthermore, the Corps of Engineers will continue to use the Corps of Engineers 1987 Manual, as it has since August 17, 1991, until a final wetlands delineation manual is adopted.

None of the funds in this Act shall be used to finalize or implement the proposed regulations to amend the fee structure for the Corps of Engineers regulatory program which were published in Federal Register, Vol. 55, No. 197, Thursday, October 11, 1990.

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

The motion was agreed to.

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

The text of the amendment is as follows:

Senate amendment No. 21: Page 19, after line 4, insert:

"Funds are provided for the management and direction of the United States Army Corps of Engineers Civil Works Program, except that such funds shall not be used to close any district office of the Corps of Engineers. To futher a more efficient headquarters and division office structure, the Secretary may transfer not to exceed $7,000,000 from other appropriations under this title to be merged with, and remain available for the same time period as, this appropriation: *Provided*, That this appropriation shall not be increased by more than 5 per centum by any such transfers, and the Committees on Appropriations of the House and Senate shall be promptly advised of such proposed transfers.".

MOTION OFFERED BY MR. BEVILL

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

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. BEVILL moves that the House recede from its disagreement to the amendment of the Senate numbered 21, and concur therein.

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

The motion was agreed to.

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

The text of the amendment is as follows:

Amendment No. 22: Page 19, after line 22, insert:

GENERAL PROVISIONS

SEC. 101. Public Law 101-302 (104 Stat. 213) is amended by striking the words "to meet the present emergency needs" under the General Expenses appropriation title of Corps of Engineers—Civil.

SEC. 102. Any funds heretofore appropriated and made available in Public Law 99-88 for construction of facilities at the Mill Creek recreation area of the Tioga-Hammond Lakes, Pennsylvania, project; in Public Law 100-71 for initiation of land acquisition activities as described in section 1114 of Public Law 99-662; and in Public Law 101-101 for construction of the Satilla River Basin, Georgia, project, and for acquisition of an icebreaking boat and equipment for the Kankakee River, Illinois, project, may be utilized by the Secretary of the Army in carrying out projects and activities funded by this Act.

SEC. 103. The Secretary of the Army, acting through the Chief of Engineers is directed to maintain in caretaker status the navigation portion of the Fox River System in Wisconsin. The Assistant Secretary of the Army for Civil Works shall take over negotiations with the State of Wisconsin for the orderly transfer of ownership and operation of the Fox River Lock System to a nonfederal entity. These negotiations shall commence immediately, be conducted in good faith, and be completed as soon as possible. The terms of a negotiated settlement shall be presented to Congress immediately upon the completion of these negotiations. The settlement shall include provisions for both the logistics and timing of the transfer of the Lock System, as well as a negotiated recommendation for monetary compensation to the nonfederal entity for the repair and rehabilitation of damage and deterioration associated with all appropriate portions of the Fox River System which are being transferred.

SEC. 104. Notwithstanding the requirements of section 103 of Public Law 99-662, the projects for flood control, Moorefield, West Virginia, and Petersburg, West Virginia, authorized by section 101 of the Water Resources Development Act of 1990, are modified to provide that the local sponsors may satisfy the cost-sharing requirements of section 103 of said law by contributing after January 1, 1990, land or other assets unrelated to the project site, at its appraised value.

SEC. 105. None of the funds appropriated in this Act shall be used to implement the proposed rule for the Army Corps of Engineers amending regulations on "ability to pay" (33 CFR Part 241), published in the Federal Register, vol. 56, No. 114, on Thursday, June 13, 1991.

SEC. 106. Notwithstanding the provisions of Public Law 95-269, the Secretary of the Army is directed to place the Federal hopper dredge fleet, excluding the Essayons and the Yaquina which shall be stationed and operated within the jurisdiction of the North Pacific Division, in a standby status for a period of one year from the date of enactment of this Act and to make all the material scheduled to be dredged by the vessels placed in standby, available for competitive bidding by the private dredging industry. Notwithstanding the preceding sentence, the Secretary shall mobilize any standby vessels or any part of the Federal dredge fleet to respond to emergency or national defense needs, or if the Secretary determines that the private dredging industry cannot perform the scheduled dredging at a reasonable price and in a timely manner. No later than 24 months after the date of enactment of this Act, the Secretary shall submit a report to Congress evaluating the capability of the private dredging industry to perform the work of the Federal hopper dredges placed in standby status. The study shall include an analysis of the cost-effectiveness of having the private dredging industry perform such work; the incremental cost to the Federal Government of maintaining these vessels in a standby status; and the cost of retiring each vessel placed in standby status in this Act.

MOTION OFFERED BY MR. BEVILL

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

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. BEVILL moves that the House recede from its disagreement to the amendment of the Senate numbered 22 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

GENERAL PROVISIONS

CORPS OF ENGINEERS—CIVIL

SEC. 101. Public Law 101-302 (104 Stat. 213) is amended by striking the words "to meet the present emergency needs" under the General Expenses appropriation title of Corps of Engineers—Civil.

SEC. 102. Any funds heretofore appropriated and made available in Public Law 99-88 for construction of facilities at the Mill Creek recreation area of the Tioga-Hammond Lakes, Pennsylvania, project; in Public Law 100-71 for initiation of land acquisition activities as described in section 1114 of Public Law 99-662; and in Public Law 101-101 for construction of the Satilla River Basin, Georgia, project, and for acquisition of an icebreaking boat and equipment for the Kankakee River, Illinois, project, may be utilized by the Secretary of the Army in carrying out projects and activities funded by this Act.

SEC. 103. The Secretary of the Army, acting through the Chief of Engineers, is directed to maintain in caretaker status the navigation portion of the Fox River System in Wisconsin. The Assistant Secretary of the Army for Civil Works shall take over negotiations with the State of Wisconsin for the orderly transfer of ownership and operation of the Fox River Lock System to a non-Federal entity. These negotiations shall commence immediately, be conducted in good faith, and be completed as soon as possible. The terms of a negotiated settlement shall be presented to Congress immediately upon the completion of these negotiations. The settlement shall include provisions for both the logistics and timing of the transfer of the Lock System, as well as a negotiated recommendation for monetary compensation to the non-Federal entity for the repair and rehabilitation of damage and deterioration associated with all appropriate portions of the Fox River System which are being transferred.

SEC. 104. The requirements of section 103(a)(1)(A) of the Water Resources Development Act of 1986 (33 U.S.C. 2213), as pertains to the Moorefield and Petersburg, West Virginia, flood protection projects, are deemed satisfied, in consideration of the transfer of Grandview State Park by the State of West

Virginia to the National Park Service for inclusion in the New River Gorge National River.

SEC. 105. None of the funds appropriated in this Act shall be used to implement the proposed rule for the Army Corps of Engineers amending regulations on "ability to pay" (33 CFR Part 241), published in the Federal Register, vol. 56, No. 114, on Thursday, June 13, 1991.

SEC. 106. In fiscal year 1993, the Secretary shall advertise for competitive bid at least 7,500,000 cubic yards of the hopper dredge volume accomplished with government-owned dredges in fiscal year 1992.

Notwithstanding the provisions of this section, the Secretary is authorized to use the dredge fleet of the Corps of Engineers to undertake projects when industry does not perform as required by the contract specifications or when the bids are more than 25 percent in excess of what the Secretary determines to be a fair and reasonable estimated cost of a well equipped contractor doing the work or to respond to emergency requirements.

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

The motion was agreed to.

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

The text of the amendment is as follows:

Senate Amendment No. 27: Page 23, line 20, after "$48,000,000" insert: *Provided further*, That pursuant to Section 406(c)(2) of Public Law 101-628, the Secretary of the Interior is directed to reimburse, in an amount not to exceed $800,000, the City of Prescott, Arizona for funding advanced by Prescott, Arizona to the Bureau of Reclamation for hydrological studies required by Section 406(c)(1) of Public Law 101-628".

MOTION OFFERED BY MR. BEVILL

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

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. BEVILL moves that the House recede from its disagreement to the amendment of the Senate numbered 27 and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert ": *Provided further*, That pursuant to section 406(c)(2) of Public Law 101-628, the Secretary of the Interior is directed to reimburse, in an amount not to exceed $800,000, the City of Prescott, Arizona, for funding advanced by Prescott, Arizona, to the Bureau of Reclamation for hydrological studies required by section 406(c)(1) of Public Law 101-628: *Provided further*, That the prohibition against obligating funds for construction until after sixty days from the date the Secretary transmits a report to the Congress in accordance with section 5 of the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 509) is waived for the Bitter Root Project, Como Dam, Montana, to allow for an earlier start of emergency repair work".

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

The motion was agreed to.

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

The text of the amendment is as follows:

Senate Amendment No. 31: Page 25, line 20, strike out "$5,060,000" and insert: "$6,000,000".

MOTION OFFERED BY MR. BEVILL

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

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. BEVILL moves that the House recede from its disagreement to the amendment of the Senate numbered 31 and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment, insert: "$8,000,000".

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

The motion was agreed to.

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

The text of the amendment is as follows:

Senate Amendment No. 34: Page 30, after line 5, insert:

"None of the funds made available in this Act may be expended to implement the transfer of title or ownership of the Central Valley Project to the State of California, unless subsequently authorized by Congress.".

MOTION OFFERED BY MR. BEVILL

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

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. BEVILL moves that the House recede from its disagreement to the amendment of the Senate numbered 34 and concur therein.

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

The motion was agreed to.

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

The test of the amendment is as follows:

Senate Amendment Number 35: Page 32, after line 13, insert:

"SEC. 206. Subsection (a) of section 7 of the Federal Water Project Recreation Act (79 Stat. 216 16 U.S.C. 4601-18) is amended by deleting the Proviso from the first sentence and by changing the semicolon after the word purposes to a period.".

MOTION OFFERED BY MR. BEVILL

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

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. BEVILL moves that the House recede from its disagreement to the amendment of the Senate numbered 35 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

"SEC. 206. Subsection (a) of section 7 of the Federal Water Project Recreation Act (79 Stat. 216 16 U.S.C. 4601-18) is amended by deleting the Proviso from the first sentence and by changing the colon after the word "purposes" to a period.".

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

The motion was agreed to.

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

The text of the amendment is as follows:

Senate Amendment No. 36: Page 32, after line 13, insert:

"SEC. 207. Utilizing processes required under the National Environmental Policy Act, the Secretary of the Interior is directed to conduct a formal analysis, by no later than March 31, 1994, of alternatives for the design, construction, and operation of the Sykeston Canal as a functional replacement for Lonetree Reservoir, pursuant to section 8(a)(1) of Public Law 89-108, as amended by the Garrison Diversion Reformulation Act of 1986, Public Law 99-294. The resulting Definite Plan Report/Environmental Impact Statement shall be utilized by the Secretary for the development of a Record of Decision which is to contain the Secretary's recommendation for proceeding with the final design and construction of the Sykeston Canal, consistent with the provisions of the Garrison Diversion Reformulation Act, the National Environmental Policy Act, the Endangered Species Act, the Fish and Wildlife Coordination Act, and the Boundary Waters Treaty of 1909. For purposes of this section, the Secretary shall take into account the results of studies conducted by the Secretary of the Army with respect to the stabilization of Devils Lake, North Dakota.".

MOTION OFFERED BY MR. BEVILL

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

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. BEVILL moves that the House recede from its disagreement to the amendment of the Senate numbered 36, and concur therein.

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

The motion was agreed to.

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

The text of the amendment is as follows:

Senate Amendment No. 37: Page 33, line 4, strike out all after "only)," down to and including "research" in line 9 and insert "$2,971,583,000, to remain available until expended, of which $300,000 shall be available only for planning funds for the Bishop Science Center, State of Hawaii; the Ambulatory Research and Education Building, Oregon Health Sciences University; and the Center for Energy and Environmental Resources, Louisiana State University, Baton Rouge, Louisiana, and of which $4,000,000 shall be derived by transfer from the Geothermal Resources Development Fund".

MOTION OFFERED BY MR. BEVILL

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

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. BEVILL moves that the House recede from its disagreement to the amendment of the Senate numbered 37 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert "$3,015,793,000 to remain available until expended, of which $94,800,000 shall be available only for the Bishop Science Center, State of Hawaii; the Ambulatory Research and Education Building, Oregon Health Sciences University; the Center for Energy and Environmental Resources, Louisiana State University, Baton Rouge, Louisiana; the Advanced Technologies Institute, University of Connecticut; the Biomedical Research Facility, University of Alabama at Birmingham; the Cancer Treatment Facility for the Indiana University School of Medicine at Indianapolis, Indiana; the Cancer Institute of New Jersey; the Northeast Environmental Resource and Renewal Facility, Mayfield, Pennsylvania; Center for Advanced Industrial Process, Washington State University, Washington; and the Hahnemann University Ambulatory Care and Teaching Center in Philadelphia, Pennsylvania.".

Mr. BROWN. Mr. Speaker, I am opposed to the motion and I ask for 20 minutes of the time allotted for debate.

The SPEAKER pro tempore (Mr. COX of Illinois). Is the gentleman from Indiana [Mr. MYERS] opposed to the motion?

Mr. MYERS of Indiana. Mr. Speaker, I am not opposed.

The SPEAKER pro tempore. The gentleman from Alabama [Mr. BEVILL] will be recognized for 20 minutes, the gentleman from California [Mr. BROWN] will be recognized for 20 minutes, and the gentleman from Indiana [Mr. MYERS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Alabama [Mr. BEVILL].

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

The SPEAKER pro tempore. The Chair recognizes the gentleman from California [Mr. BROWN].

Mr. BROWN. Mr. Speaker, may I say at the outset that I am profoundly apologetic to my good friends, the gentleman from Alabama [Mr. BEVILL] and the gentleman from Indiana [Mr. MYERS] for interrupting the smooth flow of this legislation.

As I indicated earlier during general debate, I support this bill and the conference report.

I have, of course, an understanding that it represents a compromise in many ways, but on this particular issue, represented by amendment No. 37, I have been making a personal crusade for a number of years to change the situation, and I will explain what is represented here.

I do not feel in good conscience that I can let this amendment in this bill go through without making it clear to all the Members why I am opposed to this particular amendment. I beg the indulgence of my friends for doing this. I recognize that the hour is late and they desire to go home and this troubles me, but I want to make clear the position I am taking here.

Mr. Speaker, this is the language of the amendment which Chairman BEVILL's motion proposes to accept. It is that $94,800,000 shall be available—of a larger $3 billion item—shall be available only for the Bishop Science Center, State of Hawaii; the Ambulatory Research and Education Building, Oregon Health Sciences University; the Center for Energy and Environmental Resources, Louisiana State University, Baton Rouge, LA; the Advanced Technologies Institute, University of Connecticut; the Biomedical Research Facility, University of Alabama; the Cancer Treatment Facility for the Indiana University School of Medicine at Indianapolis; the Cancer Institute of New Jersey; the Northeast Environmental Resource and Renewal Facility, Mayfield, PA; the Center for Advanced Industrial Process, Washington State University; and the Hahnemann University Ambulatory Care and Teaching Center in Philadelphia.

With a minor exception or two, each of these is allocated $10 million. In the House-passed bill, there was no money for any of these. In the Senate-passed bill, there was only $300,000 to study them. In the conference report, that $300,000 study has grown to the figure that I mentioned, $94,800,000 for 10 carefully described projects scattered throughout the United States.

It is this process by which unreviewed, unrequested projects are inserted into the conference that I have been objecting to for years without avail. It is such a serious matter that I have even proposed to the various committees studying the rules of the House that we revise the rules of the House to make this more difficult.

Now, I understand why they are in there. Somebody requested them. Most of those somebodies were on the Appropriations Committee.

They are worthy projects. I am not arguing with the merits of them, but nobody has reviewed the merits of them, except the person who suggested them to the appropriations conference committee.

They did not come up in the original bill in either House, as I have indicated before.

Mr. Speaker, this process is wrong. This process denies the Members of the House who are not on the Appropriations Committee any opportunity to secure worthy projects through the normal processes of authorization, peer review and so on.

Now, I know that many times those of us on authorization committees go to the Appropriations Committee and ask them to do things like this. I have been guilty of it myself. None of us are without sin; but to refuse to confront the reality that this is a distortion of the democratic process is wrong.

I think the only way I can make that point is to do what I am doing here today. I apologize again for delaying this bill, but I think it is absolutely essential that we do this.

Now, I would be happy at this point to recognize any other sinner who would like to confess and take a few moments of time on this matter.

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

Mr. BROWN. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Speaker, I commend the gentleman from California very much.

What we have here is $94.8 million of the taxpayers' money being added and appropriated by a conference committee for 10 new—and it is described this way—energy, educational and/or medical facilities, when neither the House nor the Senate bill which went into conference contained any such appropriations.

Now, obviously no authorizing committee ever reviewed them, or so far as I know, no authorizing committee has ever even heard of these 10 new building projects or facilities. Nobody really knows specifically what they are about. There has been no peer review, no competitive bidding, and especially in science and technology this, I think, is where we should certainly draw the line.

Mr. Speaker, we do have pork that has creeped in; yet the taxpayers are expected to pay for them without the rest of Congress even knowing what the specific kinds of facilities are that are being purchased, or their respective merits.

Officeholders of any local government will be run out of town if they tried this kind of irresponsible behavior. I am a former attorney of many local taxing districts. It is just unheard of that you would take the taxpayers' money and at the last minute in a conference committee where neither bill had any mention of any such construction projects or facilities, whatever they are, and then to plug them in at the last minute and expect the rest of us to accept it, especially at this time in the history of this Nation. I am not going to go over all the problems of the deficit. We're all aware of the burgeoning $4 trillion debt.

□ 1950

But for the conference committee to add these appropriations at this time I think would be terribly unreasonable, and the people of this Nation certainly will have a right, once again, to chalk up a good grievance against this body.

Now I defer, certainly, to the gentleman from California [Mr. BROWN]. He is the chairman of the Committee on Science, Space, and Technology. I, frankly, had hoped he would have presented an amendment that would sim-

ply delete all of these appropriations altogether, and the gentleman, in his good nature and the sound person that he is, has suggested that, well, the money will still be appropriated, but it will go on the basis of peer review, on the basis of authorization, and on the basis of study and competitive bidding, via the authorizing committees of this body and if not the appropriations—totaling $94.8 million will simply lapse.

Well, if we are going to spend that kind of money, that is the way it ought to be, and this is no attack upon the projects themselves. Maybe they will live up to, and survive the regular committee process, and ultimately be approved.

Mr. BROWN. Mr. Speaker, the gentleman from Illinois [Mr. FAWELL] raised a subject that I neglected to cover in my initial remarks.

Procedurally, Mr. Speaker, it is necessary, under these circumstances, as I understand it, and I ask for a correction if I am wrong, to defeat the chairman's, the gentleman from Alabama [Mr. BEVILL], motion for the previous question when we complete this debate in order that I may offer a motion to amend, and my motion to amend will not strike the money, although the gentleman from Illinois [Mr. FAWELL] indicated that he would have preferred that. It will merely have the following language. It will strike all of the earmarks and insert in lieu thereof: Making competitive merit review awards to academic research facilities to the extent otherwise authorized by law.

In other words, Mr. Speaker, the money remains, the projects can go forward, if they are authorized and peer reviewed, and the overall amount of money in the bill will remain the same.

Now I think that was the least difficult, most positive way to deal with this problem, and I hope that the chairman in his generosity would accept this amendment. But I doubt he will.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman from California [Mr. BROWN] for yielding this time to me.

Mr. Speaker, this is actually a pretty good bill overall. It is within the President's spending limit, and it is having good effect on the Congress to deal with that kind of thing. It also follows the House authorization on energy R&D priorities fairly honestly, with the exception of the amendment we are dealing with here. It provides a critical boost for some hydrogen research which I think is one of the energies of the future, and I think that is a good thing. It funds some important futuristic programs like SP-100 and some others, and, as a matter of fact, the bill is, in my mind, good enough.

Mr. Speaker, I voted for it. I do not vote for many bills of this type, and I voted for this one. It is kind of unusual. But I will tell my colleagues that I think the moderate approach which the gentleman from California [Mr. BROWN] has taken on this particular amendment is exactly right.

What we have here is another process where, not only have they authorized a bunch of projects and appropriated the money at the same time without any kind of review of those projects, but they have also taken the bill well out of scope.

Now this bill is about, in this particular section, $150 million out of scope because of the additions that were put in in the conference. We have projects that are not authorized. We have had no hearings on these projects in our committee, or in any committee, authorizing committee. Some of us have never even heard of these projects. We do not know if they are good projects or not. We are going to spend $95 million for some projects that seem to have as their main merit that somebody on the conference committee got $10 million for their project, and everybody else took $10 million for theirs.

Mr. Speaker, that is not the way to get good science done in this country, and I would suggest that the chairman, the gentleman from California [Mr. BROWN], has given us the right approach. What he is saying is, "Let's keep the money. Let's say that the money should go for good projects. But let's make certain the projects are good by having them reviewed. Let's have an authorization project where they get reviewed, or let's have a merit review process. But let's make certain that the $95 million that we're spending for these projects buys us good projects."

Mr. Speaker, we have no assurance of that here this evening. Support Chairman BROWN. He is going in the right direction.

Mr. BROWN. Mr. Speaker, I think I understand the tactics of the gentleman from Alabama [Mr. BEVILL] and the gentleman from Indiana [Mr. MYERS]. I understand their desire to move the bill as quickly as possible and to use the minimum amount of time that they desire. And of course I would like to cooperate with them on this in every way that I can.

I am not anxious to delay this either, but I would like to have every Member here clear as to the procedure, and, after I clarify that, I will yield to the gentleman from Minnesota [Mr. PENNY] for a brief time.

In order to get to my amendment, Mr. Speaker, it will be necessary to defeat a motion for the previous question on the amendment before us offered by the gentleman from Alabama, and I am, therefore, requesting all of the Members to vote "no" on the previous question. If the previous question is defeated, I will then offer my amendment, not to strike the money, but merely to say that the specific earmarks are removed and the funds will be allocated according to a peer review process.

Mr. Speaker, I want that to be clear in the minds of all the Members.

Mr. Speaker, I yield 1 minute to the distinguished gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Speaker, this is a classic example of pork barrel spending. Items show up in a conference report that were not specifically funded, neither in the House, nor the Senate, version of this legislation. The gentleman from California [Mr. BROWN] has eloquently made the case for striking these projects. Voters want their elected leaders to stop with politics as usual. I understand not even one of the conference committee members found this particular provision objectionable.

The bottom line, Mr. Speaker, is we should all object to this kind of practice, especially at this time when we are trying to convey to the American public that we are finally taking this deficit more seriously, and for that reason, Mr. Speaker, I would urge support for the motion offered by the gentleman from California [Mr. BROWN].

Mr. BEVILL. Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, I would take issue with the last speaker, the gentleman from Minnesota [Mr. PENNY], and say this is not politics as usual. This is the exact opposite.

I can remember sitting in this hall a year ago when the President gave us his State of the Union message, and he talked about the new world order. He talked about how things had changed, and at that time he thanked the men and women in uniform, as he should, for what they had done to bring about the collapse of the Soviet Union and the end of the cold war. And he also thanked the taxpayers, as he should have, for paying for the weaponry that were deterrents so that we never would have that terrible nuclear war that we so dreaded. But not a word, not anything, no plan, not even a line, let alone a paragraph, about how we were going to deal in this new world order, how we were going to keep our skilled workers, the highly trained individuals who had given their adult life to make these weapons is their life work, and how they would go on to pay the mortgage, to take care of their families, to educate their children.

So, yes, there are some projects in this bill tonight. The gentleman from Alabama [Mr. BEVILL], the chairman, of course would not let projects that were not worthwhile into his bill. Every one of us on both sides of the aisle know that the days of the Lawrence Welk projects are over, pork is over. But we have to begin to fight back to keep our skilled workers em-

ployed. Most of these projects are university projects. These are projects, and I will speak to particularly the one that I am interested in Connecticut. I am proud to say I am interested in it for it will retrain our engineers and provide needed high-skill jobs.

Mr. Speaker, Connecticut is a small State, but the fourth State dependent on defense and it made our Nation strong so that we could win that cold war. This project is a provision manufacturing institute, a joint effort of the schools of engineering and business, an institute of materials and science. The goal is to advance precision manufacturing and technology. The Advanced Technology Institute at our University of Connecticut will help the economy of New England rebound through this time of change, but, more importantly, is the only research and development center in Connecticut and one of the few in the Nation.

□ 2000

Mr. Speaker, we have to fight back. We have to keep our trained workers, our skilled workers employed for new challenges. We have to do new and innovative things in high technology so that we will remain and continue to be the Nation that everyone looks to for technology and as a world order. We cannot do it unless we pay for it. We pay for it in this way with university research because we have to go on to excel in high technology and continue as a proud Nation.

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

Mr. Speaker, the words "peer review" have been thrown around here rather frequently this evening. What do they mean? How many Members have examined the peer review process we are discussing here?

What it really means is that a group of college presidents, in most cases, or maybe professors, get together and decide among themselves which university will get money. Part of it is corporate money, and I have no objection to the peer review process there. If it is corporate money or privately raised money, of course, they are the ones that should decide where that money goes.

What we are doing here with your money, the taxpayers' money, is deciding that these universities, which may not be one of the 20 or 30 or 40 most prestigious universities in the country, who are standing in need of funds like this to do the job we are providing for here.

Let us look at what this money does. It is not money to operate these facilities. It is construction money to build a facility. The university will then use that peer process to decide what shall be done in those universities in their research. All of the money for these universities is for research.

Let us examine just what this is. We have the environment. Certainly I think every Member here is concerned about the environment. Some may be more than others. But one of these projects is to help study the environment, how we may work and still protect the environment. How we can do a better job to be competitive in the world.

One out of four people in this country living today will personally experience cancer sometime in their life. One out of nine women will experience breast cancer. Those numbers are growing. Heart disease is the largest killer of people in this country, much higher than AIDS and all of these other things. These are things that would be done in one of the university projects.

Cancer has touched everyone in this room either directly through their own family, a very close friend, or some other family member.

Research for things like this is going to make life easier. We do not know the answer yet for cancer. We do not know what causes it. We have found some cures for cancer, fortunately. Some types of cancers can be cured. But not because someone did not make an investment. And this is what we are doing here.

We did not go through this willy-nilly. It is true we did not have any research dollars or any money for these facilities in our bill that passed the House. It was austere. The other body added certain projects.

But we examined these very closely, and we concurred with them. We are arguing today that they should be protected.

Technology transfer. We are still on the leading edge in the world as far as technology and development. Better ways to manufacture, building a better product so that we can be competitive with the rest of the world.

But somehow we do not transfer that technology out to industry or businesses so they can use it. Part of these research dollars will go for technology transfer so that American workers can be competitive in the rest of the world.

The gentleman from Illinois [Mr. FAWELL] mentioned that he would run people out of local government if they did something like this.

I never served in local government, but I have been helping other county commissioners. And if a county commissioner wants to build a new bridge, I do not think he goes to a college professor or a college president to decide where that bridge shall be built or how it shall be built. They have to raise the money; they decide how it is spent. That is exactly what we are doing here.

The word "futuristic" was used by the gentleman from Pennsylvania [Mr. WALKER]. What are we describing here? The future of our children, so we can find jobs for them, so we can protect their health, so we can do the things that we were not able to do. These are the futuristic things that this committee is bringing forth here now, and we have examined them.

To my conservative friends—well, I do not see many of them on the floor right now—but to my conservative friends who are concerned about balancing the budget, we are not saving one penny here.

The amendment of the gentleman from California [Mr. BROWN], our friend, if he is successful, will offer an amendment to keep the money in, but turn the decision over which one of these projects shall be built and where they shall be built to someone else who does not raise the money.

Let us take one last thing here. Back in 1985, 20 universities received more than 55 percent of the money through the peer review process. Most of those universities are under examination right now for fraudulent use of the peer process money that they received.

So we are not protecting anything here. If we were, we would all be supporting it. I would certainly be leading the pack here today.

In closing, we are not saving one penny by the amendment of the gentleman from California [Mr. BROWN]. It is going to be spent, except it is going to be spent somewhere else in the country. And some process at some elite college someplace, the same people making the decisions there are controlling where the dollars are going. And it is going to be their universities that get it.

So please support the motion of the gentleman from Alabama [Mr. BEVILL]. That is the proper way to administer the funds that we have here in this program.

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

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

Mr. Speaker, I rise in support of my motion and urge a vote for it. I would like to point out that the proposed amendment does not strike the money; it strikes the projects. In other words, what it does is lets the administration decide what to do with the money.

I think Congress ought to make that decision. I think we should make that decision. I do not think we should give that right to someone else.

Mr. Speaker, we hear all about this peer system. I can tell you about the peer system. The late Dr. Frank Rose, the president of the University of Alabama, used to be one of the peers. He told me, "I will tell you how the peer system works. Universities that have the peers are the ones that get the projects, and they are the ones that make the decisions."

I do not think we should pass this out and tell someone else to make the decisions that Congress should make. This is our decision.

The committees of the two houses have agreed on these projects. I know

one, the University of Alabama, is to complete a science research building with laboratory equipment. That is the same campus that developed the world's first artificial artery, a plastic artery that made it possible to save thousands and thousands of lives all over the world. This was the first in the world.

I am so glad we did not have at that time, the rule of my good friend, the gentleman from California [Mr. BROWN], which he wants to put in here.

As a matter of fact, this is the process we have followed for over 100 years. There is a good reason for this. Many of the requests that we get on appropriations, come from members of the authorization committees. We receive requests from the chairmen of the authorizing committees for one reason or the other, maybe the other body would not go along with their particular project, they come and say would you put this project on your appropriation bill.

This building is critical to my university.

Certainly that is a one-time expenditure. So we do this. These are projects that do not have an authorization.

Certainly, we go before the Committee on Rules. We go through this. They give us a rule on these matters.

So we are asking Members to let us let this Congress make those decisions. Support your committees. Do not get into this peer business and do not get into this business of letting the administration decide where these projects are going to go.

The money is going to be in here. This does not knock out the money. I just want to call that to the attention of Members.

Mr. Speaker, I would appreciate an aye vote on my motion.

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

Mr. Speaker, I have deliberately refrained in my discussion here from questioning the value of any of these 10 projects. I know that they are very dear to the hearts of the Members who sponsored them. I do not question the motives of any of the Members who have suggested those projects. I regret that the distinguished chairman inadvertently, I am sure, misstated my amendment, which requires that these projects be authorized.

The fundamental law with regard to the Department of Energy states that all appropriations shall be made in accordance with annual authorizations. Annual authorizations are the only way that Members of Congress have a voice in these projects.

My amendment does not turn this over to the department or the administration. It requires that we abide by the law requiring authorizations.

□ 2010

The gentleman from Alabama [Mr. BEVILL] will point out quite correctly that we have not passed such authorizations recently. I have had long discussions with him and with the distinguished chairman of the counterpart subcommittee in the Senate, suggesting that we cooperate in getting authorizations.

I regret to say that I have been met by a stone wall with regard to that. The distinguished chairman in the other body says it is a prerogative of the Senate in accordance with their rules to do what we see done on this bill.

Now, is it fair to the Congress that of these 10 projects, they go to eight States and that seven of these States have important members on the Committee on Appropriations in either the House or the Senate? Is that allowing the Congress, the Members of the Congress an opportunity to participate in this process?

There is no person I have higher respect for than the distinguished gentleman from Alabama. He is right when he says that he is forced into doing some of the things that he is doing. He did not originate these projects. They were originated largely in the other body.

We have not passed an authorization, but this House passed the Organic Act requiring annual authorizations, and this year passed the Department of Energy bill, which in part came from the committee that I have the honor to chair, which required that there be authorizations.

And the conferees on the other side have refused to agree to that provision in the House-passed bill. The House has spoken. They want authorizations. But we cannot get them for a variety of reasons that we do not need to go into here tonight. But it is not true to say that my amendment proposes to turn this over to anybody except those disenfranchised Members of the House who today have no voice in the way these projects are established.

There is no partisanship in this. I have carefully looked at the names of the Members that I think I can identify with these projects, and they are about half Democrats and half Republicans.

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

Mr. BROWN. I yield to the gentleman from Illinois.

Mr. FAWELL. Mr. Speaker, may I just add one point. I know it is late.

Think of the precedent that we will be setting tonight. We all know what has happened. Some privileged Members sitting on a conference committee feel they can just take these types of liberties with the taxpayers' money, when we do not have the slightest idea as to what it is for. They are not even identified. Everybody gets $10 million except for two, right down the line. We do not even know if it is the beginning of a big construction project or a little construction project.

If ever we are going to take a stand, it should be here. We are not going to take the money away. We only say, use the rules of the Congress, some semblance of fairness.

Do not set a precedent where we just simple say, "This can happen, every conference committee, don't worry, you can break the rules of relevancy or whatever," and come back and expect us to put a stamp on it.

Congress has to stand up once in a while and say, "No, we will not stand for this."

Mr. BROWN. Mr. Speaker, let me conclude by repeating what I just said. We are not turning over our responsibilities to anybody else. We are redeeming our responsibilities as equal Members of the House of Representatives and demanding that we have a voice provided by laws that we have passed, to have a voice in what is going on on this matter.

It is not trivial. This has been going on over a decade. The total amount of earmarks in the annual appropriations is not just this $95 million. It approaches a half a billion dollars or more.

It is truly significant. It is truly important that we as individual Members of this House have a voice in how the taxpayers' money is spent and that it be spent in order to achieve the public objectives as determined by the public's representatives.

I ask for a "no" vote on the motion to terminate debate and a "yes" vote on my amendment.

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

Listening to the arguments, I have come to the conclusion there is just one question here: Who constitutes the peer? Was it this committee or some other committee of this Congress? That is the only argument we have here tonight.

Members of this committee were elected by the people, just like the authorizing committees are. We have used our judgment. We have examined them, same as the authorizing committees.

We never criticize the authorizing committees. I understand the peer question they raise here tonight. I think we all do. But that is an old issue.

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

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

I am not going to use all my time. I just want to urge my colleagues to vote aye on my motion.

We have this come up frequently. We work with the authorization committees. We do get a vote on this. The rules require a vote. We want a vote. We want our colleagues to vote on it. We are not trying to slip anything through.

The other body is going to vote on it. So nobody is getting harmed. But the authorization committees, for one reason or another, frequently, do not pass an authorization bill that reaches the President's desk.

We have projects that we need throughout the country. We cannot sit back and let only the peers decide what we need.

I am just telling my colleagues, that system does not work. It is up to them. This is their vote. This is their privilege, and it should be. Nobody wants anything slipped through without their vote.

I just think that we ought to give a chance to those young men and women, those bright young men and women out there that want to go into science. Let us not discourage it. Let us encourage them and furnish them the labs and the places to work. This is what it is all about.

Every one of these projects is related to and part of the lab work in this country. We need these projects.

I urge my colleagues to vote aye on my motion.

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

The SPEAKER pro tempore (Mr. COX of Illinois). The question is on ordering the previous question.

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

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

The SPEAKER pro tempore. Evidently a quorum is not present. The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 157, nays 203, not voting 72, as follows:

[Roll No. 400]

YEAS—157

Abercrombie	DeFazio	Hochbrueckner
Ackerman	DeLauro	Houghton
Anderson	DeLay	Hoyer
Andrews (NJ)	Derrick	Hughes
Applegate	Dicks	Jefferson
Baker	Dingell	Jontz
Barton	Dixon	Kanjorski
Bateman	Downey	Kaptur
Bentley	Dwyer	Kennelly
Berman	Dymally	Kildee
Bevill	Eckart	Kleczka
Bilbray	Edwards (TX)	Kolbe
Billey	Erdreich	Kolter
Bonior	Fazio	Kopetski
Borski	Foglietta	LaFalce
Boucher	Ford (MI)	Lancaster
Brooks	Franks (CT)	Lantos
Browder	Frost	Laughlin
Bryant	Gallo	Lehman (CA)
Bustamante	Gejdenson	Lewis (CA)
Callahan	Gonzalez	Lightfoot
Carr	Hall (OH)	Livingston
Chapman	Hamilton	Lloyd
Clement	Hammerschmidt	Long
Coleman (TX)	Harris	Lowey (NY)
Coughlin	Hefner	Matsui
Coyne	Hertel	Mazzoli
Cramer	Hoagland	McCloskey
de la Garza	Hobson	McDade
McHugh	Payne (NJ)	Slaughter
McNulty	Pelosi	Smith (IA)
Michel	Perkins	Smith (NJ)
Miller (OH)	Peterson (FL)	Spratt
Mineta	Peterson (MN)	Stokes
Mink	Pickett	Swift
Moakley	Price	Taylor (MS)
Mollohan	Pursell	Thornton
Montgomery	Quillen	Torres
Morrison	Rahall	Torricelli
Murtha	Rangel	Unsoeld
Myers	Regula	Visclosky
Nagle	Rhodes	Volkmer
Natcher	Roe	Vucanovich
Neal (NC)	Roemer	Walsh
Nowak	Rogers	Whitten
Oakar	Rose	Wilson
Oberstar	Rostenkowski	Wise
Obey	Sabo	Wolf
Olin	Sarpalius	Wyden
Ortiz	Saxton	Wylie
Pallone	Schumer	Yates
Panetta	Sharp	
Parker	Skeen	

NAYS—203

Allard	Goodling	Pease
Allen	Goss	Penny
Andrews (ME)	Gradison	Petri
Andrews (TX)	Grandy	Porter
Armey	Gunderson	Poshard
Aspin	Hall (TX)	Ramstad
Ballenger	Hancock	Ravenel
Barrett	Hansen	Ray
Beilenson	Hastert	Reed
Bennett	Hayes (IL)	Ridge
Bereuter	Hefley	Ritter
Bilirakis	Henry	Roberts
Blackwell	Herger	Rohrabacher
Boehlert	Hopkins	Ros-Lehtinen
Boehner	Horn	Roth
Brewster	Hubbard	Roukema
Brown	Hunter	Roybal
Bruce	Hutto	Russo
Bunning	Hyde	Sanders
Burton	Inhofe	Sangmeister
Byron	Jacobs	Santorum
Camp	James	Sawyer
Campbell (CA)	Johnson (CT)	Schaefer
Cardin	Johnson (TX)	Schiff
Carper	Kasich	Schroeder
Clay	Kennedy	Sensenbrenner
Coble	Klug	Serrano
Coleman (MO)	Kostmayer	Shays
Collins (IL)	Kyl	Shuster
Collins (MI)	Lagomarsino	Sikorski
Combest	LaRocco	Sisisky
Condit	Leach	Skaggs
Cooper	Levin (MI)	Skelton
Costello	Lewis (FL)	Smith (FL)
Cox (CA)	Lewis (GA)	Smith (OR)
Cox (IL)	Lipinski	Smith (TX)
Crane	Luken	Snowe
Cunningham	Machtley	Solomon
Dannemeyer	Markey	Spence
Dellums	Marlenee	Staggers
Dickinson	Martinez	Stallings
Dooley	McCandless	Stark
Doolittle	McCollum	Stearns
Dorgan (ND)	McDermott	Stenholm
Dornan (CA)	McEwen	Stump
Dreier	McGrath	Sundquist
Duncan	McMillan (NC)	Swett
Durbin	McMillen (MD)	Synar
Early	Meyers	Tanner
Edwards (CA)	Mfume	Tauzin
Emerson	Miller (CA)	Taylor (NC)
Engel	Miller (WA)	Thomas (WY)
English	Molinari	Towns
Espy	Moody	Traficant
Evans	Moorhead	Upton
Ewing	Morella	Valentine
Fawell	Murphy	Vander Jagt
Feighan	Nichols	Vento
Fields	Nussle	Walker
Fish	Olver	Waters
Gallegly	Orton	Weldon
Gekas	Owens (NY)	Wheat
Geren	Oxley	Williams
Gibbons	Packard	Wolpe
Gilchrest	Pastor	Young (FL)
Gillmor	Patterson	Zeliff
Gilman	Paxon	Zimmer
Glickman	Payne (VA)	

NOT VOTING—72

Alexander	Gingrich	Mrazek
Annunzio	Gordon	Neal (MA)
Anthony	Green	Owens (UT)
Archer	Guarini	Pickle
Atkins	Hatcher	Richardson
AuCoin	Hayes (LA)	Riggs
Bacchus	Holloway	Rinaldo
Barnard	Horton	Rowland
Boxer	Huckaby	Savage
Broomfield	Ireland	Scheuer
Campbell (CO)	Jenkins	Schulze
Chandler	Johnson (SD)	Shaw
Clinger	Johnston	Slattery
Conyers	Jones	Solarz
Darden	Lehman (FL)	Studds
Davis	Lent	Tallon
Donnelly	Levine (CA)	Thomas (CA)
Edwards (OK)	Lowery (CA)	Thomas (GA)
Fascell	Manton	Traxler
Flake	Martin	Washington
Ford (TN)	Mavroules	Waxman
Frank (MA)	McCrery	Weber
Gaydos	McCurdy	Yatron
Gephardt	Moran	Young (AK)

□ 2039

Ms. WATERS and Messrs. COOPER, KASICH, MARTINEZ, SCHAEFER, and OLVER changed their vote from "yea" to "nay."

Messrs. BUSTAMANTE, JONTZ, SCHUMER, WALSH, and THORNTON changed their vote from "nay" to "yea."

So the previous question was not ordered.

The result of the vote was announced as above recorded.

□ 2040

AMENDMENT OFFERED BY MR. BROWN TO THE MOTION OFFERED BY MR. BEVILL

Mr. BROWN. Mr. Speaker, I offer an amendment to the motion offered by the gentleman from Alabama [Mr. BEVILL] on amendment No. 37.

The SPEAKER pro tempore (Mr. COX of Illinois). The Clerk will report the amendment to the motion.

The Clerk read as follows:

Amendment offered by Mr. BROWN to the motion offered by Mr. BEVILL: Strike "the Bishop Science Center" and all that follows through "Philadelphia, Pennsylvania" and insert in lieu thereof "making competitive, merit-review awards to academic research facilities, to the extent otherwise authorized by law".

The SPEAKER pro tempore. The gentleman from California [Mr. BROWN] is recognized for 1 hour.

PARLIAMENTARY INQUIRY

Mr. MYERS of Indiana. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. MYERS of Indiana. Mr. Speaker, a Member in opposition to this motion is not entitled to half the time?

The SPEAKER pro tempore. On an amendment to a motion, the hour is controlled by the proponent of the amendment.

Mr. MYERS of Indiana. I thank the Chair.

Mr. BROWN. Mr. Speaker, would the gentleman from Indiana [Mr. MYERS] like to have one-half hour?

Mr. MYERS of Indiana. Mr. Speaker, no. Well, yes, I would then; by popular demand, I accept.

Mr. BROWN. It is not my intention to use this hour in debate. I merely want to explain the parliamentary situation, and I will yield back the remainder of my hour.

Mr. MYERS of Indiana. Mr. Speaker, will the gentleman yield? I would like to be recognized for 5 minutes.

Mr. BROWN. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana [Mr. MYERS].

Mr. MYERS of Indiana. Mr. Speaker, I thank my colleague, the gentleman from California, for yielding me this time.

I regret that we are taking the time at this late hour. I apologize to the membership. But I think there is a lot of misunderstanding of what we are doing here.

I know some people came on the floor and thought they were saving $100 million. That is not the case.

As I spoke earlier when many of you were not here, this does not save one penny. It is a peer fight is actually what it is, and you are going to turn the decision of how the money that is appropriated in this bill, in this provision, will go, whether it goes to the Members of the House of Representatives who have to tax the American people to pay for it, who are going to be taxed already, or you turn it over to a peer group, somebody no one will ever see or hear except that they themselves will ever know. So if you are concerned about saving the American taxpayers the money, your vote now will be against the motion offered by our colleague, the gentleman from California.

These were good projects. They are still good projects. But I doubt that very many of them will ever make it through the peer process when the big elite 20 or 30 universities decide among themselves, "Which is this, your turn to go to this university?" "No. I think I got the last one." "OK, we will give it to somebody else." This is the way the peer process that we are talking about here will be run.

So if you are concerned about saving dollars, one more time, my colleagues who voted, and some of you came on the floor and did not ask the members of the committee, but went over to somebody else and said, "What is the issue here," "pork." Well, the pork is still in. It is just where the pork is going to be located. So a no vote is a conservative vote.

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

Mr. Speaker, I am just going to take a minute to respond to the gentleman, because I think inadvertently he misspoke himself as my dear friend, the gentleman from Alabama [Mr. BEVILL], did earlier. This is not a question over peer review. This is a question over whether the House will authorize a project, and it so states. It says, "This money will be spent in making awards to the extent authorized by law," and that means that every Member of this House will have the opportunity to decide instead of that very elite group for whom I have the greatest admiration who sit on Appropriations conference committees. Nine of these ten projects are in the States or districts represented by the conference committee. I admire every one of them. They are wonderful people. The projects are great people.

We are not fighting over peer review. We are fighting over the right of the Members of Congress to have a say in how the taxpayers' money is spent. That is the question, and I think everyone who came in and voted on the previous question understood that.

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

Mr. BROWN. I am happy to yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Speaker, now, which committee would be the authorizing committee?

Mr. BROWN. The committees that would have jurisdiction over the facility in question, if it is a scientific research project outside of the field of medicine, it would be the Committee on Science, Space, and Technology. If it is an agriculture project, the Committee on Agriculture; if it is a health project, the Committee on Energy and Commerce. Every Member of the House who is on an authorizing committee ought to be concerned with this kind of language.

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

Mr. BROWN. I am happy to yield to the gentleman from Texas.

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

I will be very brief and very quick. I want to thank the gentleman for offering his amendment. This amendment is about due process and equal access to the process of having your projects considered on an equal footing with everybody else in this body irrespective of your committee assignment. It is about the extent to which a project anyplace in the country will be judged on its merit relative to other projects. It is about this body setting priorities rather than individuals.

For my part, when I am back in my district and people ask me if I oppose individual parochial projects being slipped into bills in conference by privileged Members, I say yes.

If you agree with me that that is the answer we ought to give our constituents, then I would say vote for the amendment offered by the gentleman from California [Mr. BROWN].

Mr. MYERS of Indiana. Mr. Speaker, will the gentleman yield?

Mr. BROWN. I am happy to yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Speaker, I appreciate and thank the gentleman for yielding.

Several of these projects are already under construction. Two of them are complete that I am aware of. So it is not reauthorization or new authorization. Several of these are already under construction. They have been appropriated in previous years. So we are finishing two or three of these. So that is really not the argument.

Mr. BROWN. Mr. Speaker, I mentioned earlier that this process has been going on for years. We have become comfortable with it. We love and respect our colleagues on the Committee on Appropriations. We know that they try to listen to us.

Unfortunately it still happens that most of these projects are in their districts. Now, I will tell you all that in the next session of the Congress with a third new Members, they are not going to feel so comfortable about delegating their rights as representatives of the people to a clique of distinguished elder Members no matter how much we love and respect them, and we might as well prepare for that day now.

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

Mr. BROWN. I am happy to yield to the gentleman from Kansas.

Mr. GLICKMAN. Mr. Speaker, I support my colleague, the gentleman from California, but I am concerned that even with his motion we will be obligating ourselves to spend dollars that if we were going to zero out would not be spent at all. I wonder if he could comment on that.

Mr. BROWN. Only if these are authorized in due process by the appropriate committee of Congress will this money be spent.

Mr. GLICKMAN. If the gentleman will yield further, so no dollars are being appropriated today for any specific projects in the gentleman's amendment?

Mr. BROWN. The gentleman is correct.

Mr. Speaker, I ask for a "yea" vote on my amendment.

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

The SPEAKER pro tempore. Without objection the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from California [Mr. BROWN] to the motion offered by the gentleman from Alabama [Mr. BEVILL].

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

Mr. MYERS of Indiana. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 250, nays 104, not voting 78, as follows:

[Roll No. 401]

YEAS—250

Ackerman	Goss	Oxley
Allard	Gradison	Packard
Allen	Grandy	Panetta
Andrews (ME)	Gunderson	Patterson
Andrews (TX)	Hall (TX)	Paxon
Applegate	Hamilton	Payne (NJ)
Armey	Hancock	Payne (VA)
Aspin	Hansen	Pease
Ballenger	Hastert	Penny
Barrett	Hayes (IL)	Peterson (MN)
Barton	Hefley	Petri
Beilenson	Hefner	Pickett
Bennett	Henry	Porter
Bentley	Herger	Poshard
Bereuter	Hertel	Price
Berman	Hoagland	Quillen
Bilbray	Hochbrueckner	Ramstad
Billrakis	Hopkins	Rangel
Blackwell	Horn	Ravenel
Boehlert	Hubbard	Ray
Boehner	Hunter	Reed
Boucher	Hutto	Rhodes
Brewster	Hyde	Ridge
Brown	Inhofe	Ritter
Bruce	Jacobs	Roberts
Bunning	James	Rohrabacher
Burton	Johnson (CT)	Ros-Lehtinen
Camp	Johnson (TX)	Roth
Campbell (CA)	Jontz	Roukema
Cardin	Kasich	Roybal
Carper	Kennedy	Russo
Clay	Kildee	Sanders
Clement	Kleczka	Sangmeister
Coble	Klug	Santorum
Coleman (MO)	Kolter	Sawyer
Coleman (TX)	Kostmayer	Schaefer
Collins (IL)	Kyl	Schiff
Collins (MI)	LaFalce	Schumer
Combest	Lagomarsino	Sensenbrenner
Condit	Lancaster	Serrano
Cooper	Lantos	Shays
Costello	LaRocco	Sikorski
Cox (CA)	Leach	Sisisky
Cox (IL)	Lehman (CA)	Skaggs
Crane	Levin (MI)	Skelton
Cunningham	Lewis (FL)	Slaughter
Dannemeyer	Lewis (GA)	Smith (FL)
de la Garza	Lipinski	Smith (OR)
Dellums	Lloyd	Smith (TX)
Derrick	Lowey (NY)	Snowe
Dickinson	Luken	Solomon
Dicks	Machtley	Spence
Dingell	Markey	Spratt
Dooley	Marlenee	Staggers
Doolittle	Martinez	Stallings
Dorgan (ND)	Matsui	Stark
Dornan (CA)	McCandless	Stearns
Downey	McCollum	Stenholm
Dreier	McCurdy	Studds
Duncan	McDermott	Stump
Durbin	McEwen	Sundquist
Early	McGrath	Swett
Eckart	McMillan (NC)	Swift
Edwards (CA)	McMillen (MD)	Synar
Emerson	Meyers	Tanner
Engel	Mfume	Taylor (MS)
English	Michel	Taylor (NC)
Espy	Miller (CA)	Thomas (WY)
Evans	Miller (WA)	Torricelli
Ewing	Moakley	Towns
Fawell	Molinari	Traficant
Feighan	Moody	Upton
Fields	Moorhead	Valentine
Fish	Morella	Vento
Ford (MI)	Morrison	Volkmer
Frank (MA)	Murphy	Walker
Gallegly	Neal (NC)	Weldon
Gekas	Nichols	Wheat
Geren	Nowak	Williams
Gibbons	Nussle	Wolpe
Gilchrest	Oberstar	Young (FL)
Gillmor	Olver	Zimmer
Gilman	Orton	
Glickman	Owens (NY)	

NAYS—104

Abercrombie	Bliley	Bustamante
Anderson	Bonior	Callahan
Andrews (NJ)	Borski	Carr
Baker	Brooks	Chapman
Bateman	Browder	Coughlin
Bevill	Bryant	Coyne
Cramer	Lewis (CA)	Rahall
DeFazio	Lightfoot	Regula
DeLauro	Livingston	Roe
DeLay	Long	Roemer
Dixon	Mazzoli	Rogers
Dwyer	McCloskey	Rose
Edwards (TX)	McDade	Rostenkowski
Erdreich	McHugh	Sabo
Fazio	McNulty	Sarpalius
Foglietta	Miller (OH)	Saxton
Franks (CT)	Mineta	Schroeder
Frost	Mink	Skeen
Gallo	Mollohan	Smith (IA)
Gejdenson	Montgomery	Smith (NJ)
Gonzalez	Murtha	Stokes
Goodling	Myers	Torres
Hammerschmidt	Nagle	Unsoeld
Harris	Natcher	Visclosky
Hobson	Oakar	Vucanovich
Houghton	Obey	Walsh
Hoyer	Olin	Waters
Hughes	Ortiz	Whitten
Jefferson	Pallone	Wilson
Kanjorski	Parker	Wise
Kaptur	Pastor	Wolf
Kennelly	Pelosi	Wyden
Kolbe	Perkins	Wylie
Kopetski	Peterson (FL)	Yates
Laughlin	Pursell	

NOT VOTING—78

Alexander	Gordon	Pickle
Annunzio	Green	Richardson
Anthony	Guarini	Riggs
Archer	Hall (OH)	Rinaldo
Atkins	Hatcher	Rowland
AuCoin	Hayes (LA)	Savage
Bacchus	Holloway	Scheuer
Barnard	Horton	Schulze
Boxer	Huckaby	Sharp
Broomfield	Ireland	Shaw
Byron	Jenkins	Shuster
Campbell (CO)	Johnson (SD)	Slattery
Chandler	Johnston	Solarz
Clinger	Jones	Tallon
Conyers	Lehman (FL)	Tauzin
Darden	Lent	Thomas (CA)
Davis	Levine (CA)	Thomas (GA)
Donnelly	Lowery (CA)	Thornton
Dymally	Manton	Traxler
Edwards (OK)	Martin	Vander Jagt
Fascell	Mavroules	Washington
Flake	McCrery	Waxman
Ford (TN)	Moran	Weber
Gaydos	Mrazek	Yatron
Gephardt	Neal (MA)	Young (AK)
Gingrich	Owens (UT)	Zeliff

□ 2108

So the amendment to the motion was agreed to.

The result of the vote was announced as above recorded.

The motion, as amended, was agreed to.

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

The text of the amendment is as follows:

Senate amendment No. 39: Page 33, line 22, strike out "$1,335,320,000" and insert: "$1,321,320,000".

MOTION OFFERED BY MR. BEVILL

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

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. BEVILL moves that the House recede from its disagreement to the amendment of the Senate numbered 39 and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment, insert: "$1,286,320,000".

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

The motion was agreed to.

The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 43: Page 36, strike out all including line 1 over to and including line 3 on page 38, and insert:

NUCLEAR WASTE DISPOSAL FUND

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $275,071,000, to remain available until expended, to be derived from the Nuclear Waste Fund. To the extent that balances in the fund are not sufficient to cover amounts available for obligation in the account, the Secretary shall exercise his authority pursuant to section 302(e)(5) of said Act to issue obligations to the Secretary of the Treasury: *Provided*, That of the amount herein appropriated, within available funds, not to exceed $5,000,000 may be provided to the State of Nevada, for the sole purpose in the conduct of its oversight responsibilities pursuant to the Nuclear Waste Policy Act of 1982, Public Law 97–425, as amended: *Provided further*, That of the amount herein appropriated, not more than $6,000,000 may be provided to affected local governments, as defined in the Act, to conduct appropriate activities pursuant to the Act: *Provided further*, That the distribution of the funds herein provided among the affected units of local government shall be determined by the Department of Energy (DOE) and made available to the State and affected units of local government by direct payment: *Provided further*, That within 90 days of the completion of each Federal fiscal year, each entity shall provide certification to the DOE, that all funds expended from such direct payment monies have been expended for activities as defined in Public Law 97–425, as amended. Failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: *Provided further*, That none of the funds herein appropriated may be used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for any lobbying activity as provided in 18 U.S.C. 1913: *Provided further*, That none of the funds herein appropriated may be used for litigation expenses: *Provided further*, That grant funds are not to be used to support multistate efforts or other coalition building activities inconsistent with the restrictions contained in this Act: *Provided further*, That no funds herein appropriated from this Fund shall be used by the State of Nevada or by the Department of Energy for public relations, media, advertising or similar activities that are not related to scientific oversight of activities of the Department of Energy in furtherance of characterization studies: *Provided further*, That of the amount appropriated herein, up to $3,700,000 shall be available for infrastructure studies, mobile sampling platform and monitoring work and other research and development work to be carried out by the University of Nevada, Las Vegas (UNLV) and the University of Nevada, Reno. Funding to the universities will be administered by the DOE through a cooperative agreement.

In paying the amounts determined to be appropriate as a result of the decision in Consolidated Edison Company of New York v. Department of Energy 870 F.2d 694 (D.C. Cir. 1989), the Department of Energy shall pay interest at a rate to be determined by

the Secretary of the Treasury and calculated from the date the amounts were deposited into the Nuclear Waste Fund. Such payments may be made by credits to future utility payments into the Fund.

MOTION OFFERED BY MR. BEVILL

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

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows.

Mr. BEVILL moves that the House recede from its disagreement to the amendment of the Senate numbered 43 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert:

NUCLEAR WASTE DISPOSAL FUND

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $275,071,000, to remain available until expended, to be derived from the Nuclear Waste Fund. To the extent that balances in the fund are not sufficient to cover amounts available for obligation in the account, the Secretary shall exercise his authority pursuant to section 302(e)(5) of said Act to issue obligations to the Secretary of the Treasury: *Provided*, That of the amount herein appropriated, within available funds, not to exceed $5,000,000 may be provided to the State of Nevada, for the sole purpose in the conduct of its oversight responsibilities pursuant to the Nuclear Waste Policy Act of 1982, Public Law 97–425, as amended: *Provided further*, That of the amount herein appropriated, not more than $6,000,000 may be provided to affected local governments, as defined in the Act, to conduct appropriate activities pursuant to the Act: *Provided further*, That the distribution of the funds herein provided among the affected units of local government shall be determined by the Department of Energy (DOE) and made available to the State and affected units of local government by direct payment: *Provided further*, That within 90 days of the completion of each Federal fiscal year, each entity shall provide certification to the DOE, that all funds expended from such direct payment monies have been expended for activities as defined in Public Law 97–425, as amended. Failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: *Provided further*, That none of the funds herein appropriated may be used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for any lobbying activity as provided in 18 U.S.C. 1913: *Provided further*, That none of the funds herein appropriated may be used for litigation expenses: *Provided further*, That grant funds are not to be used to support multistate efforts or other coalition building activities inconsistent with the restrictions contained in this Act: *Provided further*, That of the amount appropriated herein, up to $3,700,000 shall be available for infrastructure studies and other research and development work to be carried out by the Universities in Nevada, Reno, and Las Vegas, and the Desert Research Institute, and at least $750,000 to continue funding for the Mobile Sampling Platform developed and operated by the Environmental Research Center at the University of Nevada, Las Vegas. Funding to the universities will be administered by the DOE through a cooperative agreement.

In paying the amounts determined to be appropriate as a result of the decision in Consolidated Edison Company of New York v. Department of Energy 870 F.2d 694 (D.C. Cir. 1989), the Department of Energy shall pay interest at a rate to be determined by the Secretary of the Treasury and calculated from the date the amounts were deposited into the Nuclear Waste Fund. Such payments may be made by credits to future utility payments into the Fund.

Mrs. VUCANOVICH. Mr. Speaker, I rise in opposition to amendment No. 43.

The SPEAKER pro tempore. The gentlewoman from Nevada [Mrs. VUCANOVICH] is recognized for 1 hour.

Mrs. VUCANOVICH. Mr. Speaker, I rise in opposition to amendment No. 43.

The House version of H.R. 5373 would have allocated $5,750,000 to the State of Nevada to do parallel site characterization studies; and $6,250,000 to affected local governments for socioeconomic studies of the impacts of the civilian high-level nuclear waste repository to the counties.

The amounts included in amendment No. 43 are substantially lower than what was a fair allowance for the legitimate parallel studies included in the original House version. Unfortunately, the other body felt the parallel studies are of less importance.

Because of the highly politicized process in which Yucca Mountain was designated as the only site to be characterized, it is essential that Congress gives Nevada an opportunity to fully participate.

Simply, Nevada's parallel site characterization studies are vital to the credibility and safety of the program and must continue to be adequately funded.

The original House amounts represent a level higher than the conferees' recommendation. I am opposed to these lower funding levels.

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

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

The motion was agreed to.

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

The text of the amendment is as follows:

Senate amendment No. 44: Page 39, strike out all after line 7 over to and including line 14 on page 40, and insert: $4,523,249,000, to remain available until expended: *Provided*, That none of the funds appropriated or otherwise made available for the Department of Energy for fiscal year 1993 may be obligated to implement the reconfiguration of nonnuclear activities of the Department of Energy until the occurrence of the following:

(1) The Secretary of Energy submits a report to the Committees on Appropriations that contains an analysis of the projected costs and benefits of the proposed nonnuclear reconfiguration and an analysis of the alternatives considered. The analyses shall take into account all relevant costs and benefits and shall include a discounted cash flow analysis of each alternative.

(2) The Secretary of Energy certifies to the Committees on Appropriations that the discounted cash flow analysis demonstrates that the proposed nonnuclear reconfiguration is cost-effective on a plant by plant basis.

(3) A period of 90 days has elapsed after the later of the submission of the report and the certification by the Secretary of Energy.

Nothing in this provision prohibits the obligation of funds for studies, analysis, or preparation of conceptual designs that are necessary to assess the cost-effectiveness or feasibility of nonnuclear reconfiguration.

MOTION OFFERED BY MR. BEVILL

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

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. BEVILL moves that the House recede from its disagreement to the amendment of the Senate numbered 44 and concur therein with an amendment, as follows: In lieu of $4,523,249,000 named in said amendment, insert: "$4,568,749,000".

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

The motion was agreed to.

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

The text of the amendment is as follows:

Page 40, line 24, strike out "$171,800,000" and insert: "$170,028,000".

MOTION OFFERED BY MR. BEVILL

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

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. BEVILL moves that the House recede from its disagreement to the amendment of the Senate numbered 45 and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment, insert: "$34,028,000".

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

The motion was agreed to.

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

The text of the amendment is as follows:

Page 41, line 17, strike out "$4,603,009,000" and insert: "$4,802,047,000".

MOTION OFFERED BY MR. BEVILL

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

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. BEVILL moves that the House recede from its disagreement to the amendment of the Senate numbered 46 and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment, insert: "$4,831,547,000'.

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

The motion was agreed to.

□ 2110

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

The text of the amendment is as follows:

Senate amendment No. 47: Page 42, line 13, strike out "$2,550,901,000" and insert: "$2,523,301,000".

MOTION OFFERED BY MR. BEVILL

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

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. BEVILL moves that the House recede from its disagreement to the amendment of the Senate numbered 47 and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment, insert: "$2,584,301,000".

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

The motion was agreed to.

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

The text of the amendment is as follows:

Senate amendment No. 48: Page 42, after line 14, insert:

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97—425, as amended, including the acquisition of real property or facility construction or expansion, $100,000,000, to remain available until expended, all of which shall be used in accordance with the terms and conditions of the Nuclear Waste Fund appropriation of the Department of Energy contained in this title.

MOTION OFFERED BY MR. BEVILL

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

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. BEVILL moves that the House recede from its disagreement to the amendment of the Senate numbered 48, and concur therein.

Mrs. VUCANOVICH. Mr. Speaker, I object and strongly oppose amendment 48.

The SPEAKER pro tempore. Does the gentleman from Indiana oppose the motion?

Mr. MYERS of Indiana. I do not, Mr. Speaker.

The SPEAKER pro tempore. The gentlewoman from Nevada [Mrs. VUCANOVICH] is recognized for 20 minutes.

Mrs. VUCANOVICH. Mr. Speaker, I object to and strongly oppose amendment 48, which would move $100 million from the Defense Nuclear Waste Disposal Program and place it into the civilian high-level nuclear waste site characterization studies at Yucca Mountain, NV.

Before I explain my reasons, I would like to quote the conference report pertaining to amendment 43.

The conferees continue to be concerned with the spiralling cost estimates for the characterization of Yucca Mountain. The conferees believe these excessive costs stem in large part from a misallocation of emphasis away from Yucca Mountain * * * the conferees believe that the Department's budget submission requests more money than is necessary for the monitored retrievable storage facility and the waste transportation program.

In other words, Mr. Speaker, the conferees are not pleased with DOE's site characterization management practices and massive spending spree. Yet, in the same bill, the conferees agree to give DOE $100 million more.

So which is it? "Good job, DOE, keep up the good work?" Or, "we are concerned this is becoming the next Government boondoggle?"

It seems to me that this conference report is trying to have it both ways. Amendment 43 expresses the Members' concern about mismanagement, misspending, and a misallocation of the Nation's resources. Conversely, amendment 48 pats DOE on the back and hands the Department another $100 million on top of the over $275 million it is already receiving for the site characterization program.

Mr. Speaker, I submit that, in these times of economic and fiscal chaos, this $100 million would be better spent servicing this country's debt. Instead, the conferees' have elected to sink more and more into the Yucca Mountain money pit.

By the conferees' own admission, DOE has mishandled the program. Why continue to support it?

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

The SPEAKER pro tempore. Does the gentleman from Alabama [Mr. BEVILL] wish to seek time?

Mr. BEVILL. No, Mr. Speaker.

The SPEAKER pro tempore. Does the gentleman from Indiana [Mr. MYERS] wish to seek time?

Mr. MYERS of Indiana. No, Mr. Speaker.

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

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the order of the House of today, consideration of Amendment numbered 57 is postponed.

The Clerk will designate the last amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 58: Page 57, after line 23, insert:

"SEC. 508. Notwithstanding any other provision of this Act, $5,000,000 of the funds appropriated in Title I or Title II shall be available for the Central Maine Water Supply Project, to remain available until September 30, 1993, and to become available only upon enactment into law of authorizing legislation.".

MOTION OFFERED BY MR. BEVILL

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

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. BEVILL moves that the House recede from its disagreement to the amendment of the Senate numbered 58 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

"SEC. 508. Notwithstanding any other provision of this Act, $5,000,000 of the funds appropriated in Title I shall be available for the Central Maine Water Supply Project, to remain available until September 30, 1993, and to become available only upon enactment into law of authorizing legislation.".

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

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the conference report and on the several motions was laid on the table.

PERSONAL EXPLANATION

Mr. CLINGER. Mr. Speaker, I was unavoidably absent from the Chamber when two rollcall votes were taken. Had I been present, I would have voted "no" on rollcall No. 400, to defeat the previous question, and "yes" on rollcall No. 401, to adopt the Brown amendment to remove earmarks from nearly $95 million in the fiscal year 1993 energy and water appropriations bill.

COMMUNICATION FROM THE HONORABLE CHARLIE ROSE, CHAIRMAN OF THE COMMITTEE ON HOUSE ADMINISTRATION

The SPEAKER pro tempore laid before the House the following communication from the Honorable CHARLIE ROSE, chairman of the Committee on House Administration:

COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC, September 17, 1992.

Hon. TOM S. FOLEY,
Speaker of the House, H-204, The Capitol, Washington, DC.

DEAR MR. SPEAKER, I have previously notified you that a member of the staff of my Committee has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the Clerk, I have determined that compliance with the subpoena is not inconsistent with the privileges and precedents of the House.

Sincerely,

CHARLIE ROSE,
Chairman.

ROTC CHIEF FEARS DRAFT-DODGING PRESIDENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN of California. Mr. Speaker, I come to the floor of the House again, for about the sixth time

this year, to discuss a very unpleasant subject, the Governor of Arkansas and draft dodging.

Today in at least one of our Nation's newspapers the full text of the letter of Col. Eugene Holmes, written just 10 days ago, is presented to the American people on the subject of Bill Clinton and the University of Arkansas ROTC Program. The headline above this is: ROTC Chief Fears Draft Dodging President.

Mr. Speaker, I was stunned to learn that Colonel Holmes, who I have discussed in this well, was a survivor of the Bataan Death March and 3½ years of brutal Japanese warlord imprisonment, that his older brother, Bob, had died in the European Theater of combat and is buried at the American Cemetery at Cambridge, just a stone's throw away from another of Great Britain's great universities, Oxford, where Bill Clinton was organizing demonstrations in a foreign country against his Nation's foreign policy in that part of the cold war which we won called Vietnam.

□ 2120

Here is the letter, notarized on all pages, from the colonel:

BILL CLINTON AND THE UNIVERSITY OF ARKANSAS ROTC PROGRAM

There have been many unanswered questions as to the circumstances surrounding Bill Clinton's involvement with the ROTC department at the University of Arkansas. Prior to this time I have not felt the necessity for discussing the details. The reason I have not done so before is that my poor physical health (a consequence of participation in the Bataan Death March and the subsequent 3½ years internment in Japanese POW camps) has precluded me from getting into what I felt was unnecessary involvement. However, present polls show that there is the imminent danger to our country of a draft dodger becoming the Commander-in-Chief of the Armed Forces of the United States. While it is true, as Mr. Clinton has stated, that there were many others who avoided serving their country in the Vietnam war, they are not aspiring to be the President of the United States.

The tremendous implications of the possibility of his becoming Commander-in-Chief of the United States Armed Forces compels me now to comment on the facts concerning Mr. Clinton's evasion of the draft.

This account would not have been imperative had Bill Clinton been completely honest with the American public concerning this matter. But as Mr. Clinton replied on a news conference this evening (September 5, 1992) after being asked another particular about his dodging the draft, "Almost everyone concerned with these incidents are dead. I have no more comments to make". Since I may be the only person living who can give a first hand account of what actually transpired, I am obligated by my love for my country and my sense of duty to devulge what actually happened and make it a matter of record.

Bill Clinton came to see me at my home in 1969 to discuss his desire to enroll in the ROTC program at the University of Arkansas. We engaged in an extensive, approximately two (2) hour interview. At no time during this long conversation about his desire to join the program did he inform me of his involvement, participation and actually organizing protests against the United States involvement in South East Asia. He was shrewd enough to realize that had I been aware of his activities, he would not have been accepted into the ROTC program as a potential officer in the United States Army.

The next day I began to receive phone calls regarding Bill Clinton's draft status. I was informed by the draft board that it was of interest to Senator Fulbright's office that Bill Clinton, a Rhodes Scholar, should be admitted to the ROTC program. I received several such calls. The general message conveyed by the draft board to me was that Senator Fulbright's office was putting pressure on them and that they needed my help. I then made the necessary arrangements to enroll Mr. Clinton into the ROTC program at the University of Arkansas.

I was not "saving" him from serving his country, as he erroneously thanked me for in his letter from England (dated December 3, 1969). I was making it possible for a Rhodes Scholar to serve in the military as an officer.

In retrospect I see that Mr. Clinton had no intention of following through with his agreement to join the Army ROTC program at the University of Arkansas or to attend the University of Arkansas Law School. I had explained to him the necessity of enrolling at the University of Arkansas as a student in order to be eligible to take the ROTC program at the University. He never enrolled at the University of Arkansas, but instead enrolled at Yale after attending Oxford. I believe that he purposely deceived me, using the possibility of joining the ROTC as a ploy to work with the draft board to delay his induction and get a new draft classification.

The December 3rd letter written to me by Mr. Clinton, and subsequently taken from the files by Lt. Col. Clint Jones, my executive officer, was placed into the ROTC files so that a record would be available in case the applicant should again petition to enter into the ROTC program. The information in that letter alone would have restricted Bill Clinton from ever qualifying to be an officer in the United States Military. Even more significant was his lack of veracity in purposefully defrauding the military by deceiving me, both in concealing his anti-military activities overseas and his counterfeit intentions for later military service. These actions cause me to question both his patriotism and his integrity.

When I consider the calibre, the bravery, and the patriotism of the fine young soldiers whose deaths I have witnessed, and others whose funerals I have attended * * *. When I reflect on not only the willingness but eagerness that so many of them displayed in their earnest desire to defend and serve their country, it is untenable and incomprehensible to me that a man who was not merely unwilling to serve his country, but actually protested against its military, should ever be in the position of Commander-in-Chief of our Armed Forces.

I write this declaration not only for the living and future generations, but for those who fought and died for our country. If space and time permitted I would include the names of the ones I knew and fought with, and along with them I would mention my brother Bob, who was killed during World War II and is buried in Cambridge, England (at the age of 23, about the age Bill Clinton was when he was over in England protesting the war).

I have agonized over whether or not to submit this statement to the American people. But, I realize that even though I served my country by being in the military for over 32 years, and having gone through the ordeal of months of combat under the worst of conditions followed by years of imprisonment by the Japanese, it is not enough. I'm writing these comments to let everyone know that I love my country more than I do my own personal security and well-being. I will go to my grave loving these United States of America and the liberty for which so many men have fought and died.

Because of my poor physical condition this will be my final statement. I will make no further comments to any of the media regarding this issue.

Mr. Speaker, no matter how many empty chairs the camera tries to show to belittle these special orders, there are 1 million people watching us.

Mr. Speaker, along with the letter I submit Clinton's infamous, disgraceful letter of December 3, 1969.

[From the Washington Times, September 17, 1992]

TEXT OF BILL CLINTON'S LETTER TO ROTC COLONEL

The text of the letter Bill Clinton wrote to Col. Eugene Holmes, director of the ROTC program at the University of Arkansas, on Dec. 3, 1969:

I am sorry to be so long in writing. I know I promised to let you hear from me at least once a month, and from now on you will, but I have had to have some time to think about this first letter. Almost daily since my return to England I have thought about writing, about what I want to and ought to say.

First, I want to thank you, not just for saving me from the draft, but for being so kind and decent to me last summer, when I was as low as I have ever been. One thing which made the bond we struck in good faith somewhat palatable to me was my high regard for you personally. In retrospect, it seems that the admiration might not have been mutual had you known a little more about me, about my political beliefs and activities. At least you might have thought me more fit for the draft than for ROTC.

Let me try to explain. As you know, I worked for two years in a very minor position on the Senate Foreign Relations Committee. I did it for the experience and the salary but also for the opportunity, however small, of working every day against a war I opposed and despised with a depth of feeling I had reserved solely for racism in America before Vietnam. I did not take the matter lightly but studied it carefully, and there was a time when not many people had more information about Vietnam at hand than I did.

I have written and spoken and marched against the war. One of the national organizers of the Vietnam Moratorium is a close friend of mine. After I left Arkansas last summer, I went to Washington to work in the national headquarters of the Moratorium, then to England to organize the Americans here for demonstrations Oct. 15 and Nov. 16.

Interlocked with the war is the draft issue, which I did not begin to consider separately until early 1968. For a law seminar at Georgetown I wrote a paper on the legal arguments for and against allowing, within the Selective Service System, the classification of selective conscientious objection for those opposed to participation in a particular war, not simply to "participation in war in any form."

From my work I came to believe that the draft system itself is illegitimate. No gov-

ernment really rooted in limited, parliamentary democracy should have the power to make its citizens fight and kill and die in a war they may oppose, a war which even possibly may be wrong, a war which, in any case, does not involve immediately the peace and freedom of the nation.

The draft was justified in World War II because the life of the people collectively was at stake. Individuals had to fight, if the nation was to survive, for the lives of their countrymen and their way of life. Vietnam is no such case. Nor was Korea an example where, in my opinion, certain military action was justified but the draft was not, for the reasons stated above.

Because of my opposition to the draft and the war, I am in great sympathy with those who are not willing to fight, kill and maybe die for their country (i.e. the particular policy of a particular government) right or wrong. Two of my friends at Oxford are conscientious objectors. I wrote a letter of recommendation for one of them to his Mississippi draft board, a letter which I am more proud of than anything else I wrote at Oxford last year. One of my roommates is a draft resister who is possibly under the indictment and may never be able to go home again. He is one of the bravest, best men I know. His country needs men like him more than they know. That he is considered a criminal is an obscenity.

The decision not to be a resister and the related subsequent decisions were the most difficult of my life. I decided to accept the draft in spite of my beliefs for one reason: to maintain my political viability within the system. For years I have worked to prepare myself for a political life characterized by both practical political ability and concern for rapid social progress. It is a life I still feel compelled to try to lead. I do not think our system of government is by definition corrupt, however dangerous and inadequate it has been in recent years. (The society may be corrupt, but that is not the same thing, and if that is true, we are all finished anyway.)

When the draft came, despite political convictions, I was having a hard time facing the prospect of fighting a war I had been fighting against, and that is why I contacted you. ROTC was the one way left in which I could possibly, but not positively, avoid both Vietnam and resistance. Going on with my education, even coming back to England, played no part in my decision to join ROTC. I am back here, and would have been at Arkansas Law School because there is nothing else I can do. In fact, I would like to have been able to take a year out perhaps to teach in a small college or work on some community action project and in the process to decide whether to attend law school or graduate school and how to begin putting what I have learned to use.

But the particulars of my personal life are not nearly as important to me as the principles involved. After I signed the ROTC letter of intent, I began to wonder whether the compromise I had made with myself was not more objectionable than the draft would have been, because I had no interest in the ROTC program in itself and all I seemed to have done was to protect myself from physical harm. Also, I began to think I had deceived you, not by lies—there were none—but by failing to tell you all the things I'm writing now. I doubt that I had the mental coherence to articulate them then.

At that time, after we had made our agreement and you had sent my 1-D deferment to my draft board, the anguish and loss of my self-regard and self-confidence really set in. I hardly slept for weeks and kept going by eating compulsively and reading until exhaustion brought sleep. Finally, on Sept. 12 I stayed up all night writing a letter to the chairman of my draft board, saying basically what is in the preceding paragraph, thanking him for trying to help in a case where he really couldn't, and stating that I couldn't do the ROTC after all and would he please draft me as soon as possible.

I never mailed the letter, but I did carry it on me every day until I got on the plane to return to England. I didn't mail the letter because I didn't see, in the end, how my going in the Army and maybe going to Vietnam would achieve anything except a feeling that I had punished myself and gotten what I deserved. So I came back to England to try to make something of this second year of my Rhodes scholarship.

And that is where I am now, writing to you because you have been good to me and have a right to know what I think and feel. I am writing too in the hope that my telling this one story will help you to understand more clearly how so many fine people have come to find themselves still loving their country but loathing the military, to which you and other good men have devoted years, lifetimes, of the best service you could give. To many of us, it is no longer clear what is service and what is disservice, or if it is clear, the conclusion is likely to be illegal.

Forgive the length of this letter. There was much to say. There is still a lot to be said, but it can wait. Please say hello to Col. Jones for me.

Merry Christmas.

Sincerely,

BILL CLINTON.

INTRODUCTION OF LEGISLATION TO TRANSFER FEMA TO THE DEPARTMENT OF DEFENSE

The SPEAKER pro tempore (Mr. HARRIS). Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, today I am introducing legislation to abolish the Federal Emergency Management Agency [FEMA] and transfer its functions to the Department of Defense.

Three strikes and you're out. Hurricane Hugo, the Loma Prieta earthquake, and the first 4 days of Hurricane Andrew in south Florida—they were all terrible disasters and FEMA's response to them was a disaster. Their response was a blizzard of redtape, a hurricane of hot air, but no avalanche of help—more like a glacial mountain of delay.

California faces future severe earthquakes. Estimates of future damage run as high as $60 billion with thousands buried in rubble, dying unless relief is massive and quick. I'd like to see help in the future coming from a mission-oriented unit of the Pentagon, and not from the political hacks of the FEMA dumping ground. When California gets hit with the big one, I'd like to see someone like Stormin' Norman come to the rescue, not a bunch of political donors holding down fancy-titled jobs. The civil servants at FEMA try, but the leadership is so bad, that it just doesn't work.

One could try to reform FEMA. But Mr. Speaker, after working with FEMA following the October 1989 earthquake that so badly hurt Oakland, I've decided that agency's swamp is too big and too deep. Some agencies are star crossed and snake bit. Some agencies just have a morale problem that is so bad you need to start over.

Let's start over. Let's put disaster relief under the military. The commanding officer in charge will be promoted or demoted based on his or her performance in coming to the rescue, not their politics.

As the disaster relief director for Dade County said, "where's the cavalry?"

Let's give the job to the cavalry from the start.

JOHN E. FISHER INDUCTED INTO THE INSURANCE HALL OF FAME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. WYLIE] is recognized for 5 minutes.

Mr. WYLIE. Mr. Speaker, one of the emoluments of this office I will miss is the opportunity it affords me to take special recognition of exceptional people who have done extraordinary things. John E. Fisher, who I am pleased to call one of my best friends, is one of those people. At the International Insurance Society, Insurance Hall of Fame meeting in Toronto, Canada on July 6, 1992 John E. Fisher was inducted into the Insurance Hall of Fame. The citation read: The Society recognizes John E. Fisher as a renowned executive, insurance innovator, international spokesman, community leader, and humanitarian.

John Fisher has become widely recognized as a leader in both the property-liability and life-health insurance industries in the United States as well as internationally.

John has served from 1981 to the present as general chairman and chief executive officer of the Nationwide Insurance Enterprise. He has served in industry leadership roles as chairman of the board of trustees of the American Institute for Property and Liability Underwriters in 1986 and 1987 and as chairman of the American Council of Life Insurance in 1989 and 1990. He holds professional designations in both fields—chartered property casualty underwriter [CPCU] and chartered life underwriter [CLU].

Because of his strong personal commitment to continuing education and professionalism, Nationwide's board of directors named their national study facility the John E. Fisher Nationwide Training Center, where 7,000 of their staff members prepare each year for improved insurance knowledge and performance.

The Nationwide Insurance Enterprise is broader in scope than most insurance organizations because of its strong cooperative heritage extending back to its beginnings in 1926 as the Ohio Farm Bureau Insurance Co. This organization was founded as a parallel or companion institution to the rapidly growing international cooperative movement in Europe early in this century.

Nationwide's cooperative heritage mandates that the enterprise reach out—both nationally and globally. In this regard, John Fisher is well known as a world leader in international cooperative insurance circles. He served for many years on the executive committee of the Inter-

national Cooperative Insurance Federation and as its chairman from 1985 to 1990. This organization is a voluntary federation of 120 cooperative insurers in 43 countries with a combined annual premium volume of 25 billion pounds sterling.

John's humanitarian and community service commitments have become legendary. His numerous contributions to society and to his local community include key leadership roles with the Boy Scouts of America's local council, self-help training programs for the unemployed, food banks for the needy, and health-cost containment programs; service on boards of trustees of three colleges, on local hospital boards and on the Grace Commission—appointed by the President to find ways to reducing waste in Government—as well as scores of other activities which represent John Fisher's outstanding leadership qualities and his total commitment to improving the society he serves.

A fine example of his altruism and leadership qualities is the key role he has played for many years in the U.S. Medicare Program. He recognized early in the program that a strong bond of cooperation between Government and private industry was an indispensable element to an efficient, cost-contained national Medicare Program which pays a portion of the health care costs of elderly and disabled people.

John has vigorously promoted and ensured the continuing commitment of Nationwide Insurance organization to the Nation's Medicare Program on a not-for-profit basis. This commitment involves serving over 1.85 million eligible recipients in Ohio and West Virginia at a level of benefit payments totaling over $1.5 billion in 1991. Over 1,000 staff members of Nationwide are assigned to the task of checking and paying these Medicare claims delivered to the recipients at a minimum cost to the Government for the service.

Truly, John E. Fisher is deserving of his Insurance Hall of Fame Award.

Marjorie and I want to congratulate and commend John and his lovely and very supportive wife Eloise on behalf of ourselves and on behalf of a grateful community.

LOS ANGELES TRANSIT COMMISSION SHOULD AWARD RAILCAR CONTRACT TO LOW BIDDER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. DUNCAN] is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, a few months ago I spoke out on the floor of the House and other places against the Los Angeles Transit Commission's award of a railcar contract to a Japanese company over a qualified American company which was the low bidder. I did that because $5 million could be saved by going with the low bidder, and I do not believe government money should be wasted, especially today when governments at all levels are running up such huge debts.

□ 2130

However, even more importantly, the commission's decision was going to cost 3,100 American jobs, and we certainly do not need our Government agencies shifting jobs overseas, especially during a recession or weak economic times.

I called for an investigation then, but a few days later, the commission reversed its decision and canceled the higher cost contract. And I was pleased and was content to let the whole matter drop.

However, I take the floor tonight because people continue to contact my office and send clippings and reports of other abuses and wasteful and ridiculous spending by the Los Angeles Transit Commission.

Why should I be concerned about this? Well, as I said a few months ago, billions of dollars for this Los Angeles rail system are coming from or will come from Federal tax money. Whether we like it or not, taxpayers all over the country are helping foot the bill for this project, which has been described as the largest public works project in the Nation at this time.

The U.S. Department of Transportation estimates that this system will ultimately cost $184 billion.

The Wall Street Journal, in an editorial entitled "The Subway That Ate L.A." said this about the system and the $3.8 billion cost of just one portion:

> The $3.8 billion figure is a rough one because the project has run 20% over budget since ground was broken five years ago. By the 21st century, when this wonderful dream of urban politicians and planners is complete, who knows what the tab will run.
>
> U.S. taxpayers should care about this, though the odds are they will never experience the system even if they visit L.A. (It follows few sightseers' paths.) That's because half of the cost of the core Red Line is coming from Portland and Pensacola and Peoria. Last year's transit bill opened up the purse strings again.

The Wall Street Journal article continues:

> Los Angeles transit is a nest of overlapping agencies, lucrative contracts and personal perquisites for the unelected officials in charge. Its monumental failure, so predictable and yet so inexorable, screams for sanity in the loud caverns snaking beneath the center city.
>
> Once transit elephants such as L.A.'s are built they have to be operated. That's where even bigger dollars are wasted.

The Los Angeles Times, in one editorial, said this:

> Money is too tight to mention, except at the Los Angeles County Transportation Commission, where it has been flowing as freely as house wine at happy hour.
>
> It had been a bit of party, all right, for the LACTC staff. During a recent 18-month period, the agency's nearly 500 staffers spent at least $2.9 million on travel, meals, entertainment and automobile expenses, according to records obtained by The Times. The examples cited by staff writer Jane Fritsch are as numerous as they are ridiculous—take, for instance, the 6,000 taxpayer dollars spent on doughnuts.
>
> After The Times requested explanations of his purchases, Executive Director Neil Peterson reimbursed the agency $1,267 for personal charges he had made on a commission credit card. One bill was from a school in Arizona—a golfing school.
>
> An ex-official, Thomas Tanke, bought $1,588 in bicycles with an agency credit card, which he repaid after auditors traced the transaction.
>
> A few other hair-raising statistics; $194,000 for catered lunches, $1,000 in late fees for delinquent credit card accounts, more than $4,000 for a 1990 Christmas party and $800,000 for the opening ceremonies for the Long Beach-to-Los Angeles Blue Line.

The Los Angeles Times says:

> An independent review is in order.

Another story reported that a consulting firm, which has been paid millions of dollars thus far, charged taxpayers for expenses ranging from vacation trips to England to mortgage payments on an employee's house to $17,000 for an employee's near daily commute from Los Angeles to his home in the San Francisco area.

The Los Angeles Observer accused the commission of "wild binge spending" which it referred to as reprehensible and said its executives were "too busy vacationing, golfing, and partying" to watch the store. The Observer called for a long overdue investigation.

The Federal Government has recently provided or is obligated to provide $1.3 billion for this project so far. Much more will be requested in the future. Most of this money will have to come through the Committee on Public Works and Transportation, of which I am a member.

Based on the reports thus far, I do not believe we should provide one additional penny for this system. Like the Wall Street Journal, I believe that taxpayers all over this Nation should be concerned about this. Like the Los Angeles Times and other publications, I believe this whole mess should be thoroughly investigated.

I have requested that the General Accounting Office look into this to see if tax money is being wasted. Others believe that there may have been criminal violations.

If these investigations show outright fraud or corruption, as some have alleged, the FBI should look into this, too.

VACATING OF SPECIAL ORDER AND REINSTATEMENT OF SPECIAL ORDER

Mr. HOAGLAND. Mr. Speaker, I ask unanimous consent to vacate my 60-minute special order tonight and, in lieu thereof, be permitted to address the House for 5 minutes.

The SPEAKER pro tempore (Mr. HARRIS). Is there objection to the request of the gentleman from Nebraska?

There was no objection.

INSURING THE VIABILITY OF THE ECONOMY AND THE ENVIRONMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska [Mr. HOAGLAND] is recognized for 5 minutes.

Mr. HOAGLAND. Mr. Speaker, as the economy becomes increasingly global and as we gain understandings of the impact of one nation's activities on another, we must make sure we have the modern-day tools to develop a healthy economy and a healthy natural resource base. The Nation's economy is dependent today in large part on the international economy, and more and more buying and selling crosses countries' traditional boundaries. Likewise, environmental degradation does not respect arbitrary borders, as, for example, air and water pollution and migratory animals, move long distances.

Many authorities have called the 1990's the critical decade for revitalizing our Nation's economy and for reversing trends of biological degradation.

Current Government policies may not be sufficient to meet this challenge. The bill I introduce today would create a national body to address that very question.

What is wrong with current policies? In the case of natural resource use and management, traditionally, many Federal programs have emphasized commodity production as the only demand on our resources. Traditional economic strategies do not recognize the value of natural resources. In the case of Federal environmental laws, we now have at least 29 Federal laws addressing conservation and resource management and those laws, generally, have three problems: First, many confine natural resource management to one specific resource, for example, migratory birds, wetlands, air, marine mammals, perhaps too narrow an approach. Second, Federal policies are too often crisis-oriented, rather than preventive, addressing the threat of extinction of a species when it is almost too late rather than developing a system to avoid threatening a species. Third, Federal management practices may overemphasize production or scenic values, at the expense of other values. Mostafa Tolba, executive director of the U.N. Environmental Program, has written:

> We have no tools because we are wedded to the economic and legal forms of the 17th and 18th centuries. Environmental protection is still reactive rather than preventive. Under the present system it takes a crisis—some event so shocking that it cannot be ignored—to stimulate a serious interest.

A HEALTHY RESOURCE BASE BREEDS A HEALTHY ECONOMY

As we attempt to reinvigorate the nation's economy and give every American who seeks it a good job at a good wage, we must also evaluate the adequacy of our current policies to provide for the sustainable use of our natural resources.

Good management of resources has economic payoffs. For example, in my home state of Nebraska, the Platte River is 30 percent its original size. Much of the $8.8 billion Nebraska agriculture industry, which no doubt spins off millions more in economic benefits, is dependent on an adequate water supply from the Platte. Local municipalities use the Platte as their water supply, as do many industries. Last year, Minnesota Corn Processors, a company with a wet corn-milling process, rejected Grand Island, NE, as a site for its $57 million plant because they said the Platte does not have enough water to dilute the plant's effluent. While fortunately this company located in Columbus, NE, Grand Island lost jobs, because of the Platte's lack of flows.

Let's look at wetlands: Less than 10 percent of Nebraska's wetlands remain, yet wetlands help purify and recharge groundwater and clean ground water is critical to productive croplands.

And there is the example of prairies. Less than 3 percent of Nebraska's tallgrass prairie remains. But prairies help maintain the fertility of soil and water quality, while preventing soil erosion, also critical to agriculture.

I am sure that a country as rich in natural and human resources as the United States has it within our means to make economic and other development sustainable, as defined by the World Commission on Environment and Development, "to ensure that it meets the needs of the present without compromising the ability of future generations to meet their own needs." We must make sure the planet maintains the carrying capacity to support all of our people and our activities.

THE NATIONAL COMMISSION ON THE SUSTAINABLE USE OF NATURAL RESOURCES

I am introducing a bill, H.R. 5969, to create a National Commission on the Sustainable Use of Natural Resources to develop policies to better conserve biological resources while sustaining the viability of our economy. This blue ribbon group would have a broad mission to develop policies to promote the conservation, sustainable use and resilience of the biological resources on which human life depends. It would be composed of 16 distinguished members appointed by the House of Representatives, the Senate, and the President. My intent is that a wide range of perspectives be brought to bear on the commission's deliberations and the bill requires that commissioners be chosen from among scientists, private industry experts, academics, environmental specialists, nongovernmental organizations and governmental representatives who are knowledgeable about natural resource management.

The Commission would be directed to, first, develop a plan for conducting an inventory of the biological resources of the United States; second, to develop strategies to enable all levels of government and private landowners to sustainably manage our biological resources; and third, to make recommendations for criteria that can be used for the conservation of biological resources. A summary of the bill appears at the end of my statement. The Commission would send periodic reports to Congress and the President and a final report in 3 years. Public participation is required.

I chose the approach of a national commisson because the problems are complex and the solutions are far reaching. The answers require that we bring the best and the brightest from all sectors together to work together. A prestigious national commission can help demonstrate to the public and the policymakers the seriousness of the problems and the magnitude of the solutions. We had, for example, a National Advisory Committee on Clean Air and the U.S. Bipartisan Commission on Comprehensive Health Care which led the way for major public policy discussions and problem solving. No one commission can do everything; but piecemeal approaches, including piecemeal lawmaking at multiple levels of government, are not now working.

THE 1990'S: A CRITICAL DECADE

Scientists around the globe are telling us that we are experiencing unprecedented declines in natural resources. Species are being lost at something like 1,000 times the normal rate.

Here are some examples: 80 to 290 species have become extinct in the United States in the last several hundred years. In the past decade alone, 38 species have been added to the United States threatened and endangered species list.

More than half the varieties of the world's 20 most important food crops that existed at the beginning of this century have been lost, including rice, wheat, corn, oats, barley, potatoes, beans, and peas. Three-fourths of the world's bird species are declining or threatened. In this country, ducks that breed in prairies and parkland regions dropped 18 percent between 1979 and 1986.

Less than half of our country's original wetlands acreage remains. We lose 300,000 to 500,000 acres every year.

More than 95 percent of the virgin forest in the lower 48 States has been lost. We have 13 percent of our ancient forests left. Our original forest cover has been reduced from 438 million hectares to 296 million hectares.

Scientists say that the equilibrium of the oceans is endangered by overfishing and coastal development. Seaside development and its attendant pollution despoil the bays and estuaries where fish breed. American oysters, once numerous, have declined by 99 percent since 1870, destroying numerous jobs for Chesapeake Bay families.

In 1850, the passenger pigeon was the most common vertebrate in North

America, accounting for 40 percent of all birds on the continent. This bird is now extinct.

In my part of the country, the Midwest, the picture is similar:

Nebraska has seen a 36 percent decline in neotropical migratory birds from 1980 to 1989.

Less than 3 percent of Nebraska's original tallgrass prairie remains. The October 1991 issue of the American Horticulturalist reports:

For thousands of years, midland America was a natural garden. Native plants and wildlife lived in biological harmony, nurtured by sunshine, rain, wind and occasional wildfires. From April until November, a changing kaleidoscope of color swept over the landscape . . . Native Americans took advantage of what were probably the richest hunting grounds in the world with a biodiversity that rivaled the tropical forests.

Only remnants of America's prairies remain today and that is usually in graveyards and along railroad lines.

The wet meadows along the Platte River are teeming with many species of plant and animal life, but along the Platte, 73 percent of native grasslands and wetland meadows are gone; the river's width has been reduced by 70 percent.

Nebraska has fens, habitats that are among the Nation's unique natural resources and which support a great variety and number of species. They were thousands of years in the making. According to Nebraskaland magazine, Nebraska's sandhill fens harbor 12 rare plant species.

Nebraska's Platte River, which some have called a "river under siege," is home to several endangered or threatened species: the least tern, the piping plover, and the prairie fringed orchid.

WHY DO WE NEED SUSTAINABLE PRACTICES?

Human survival depends on clean water and air, fertile soils and productive seas, in short, healthy biological systems. Our food, much of our clothing, and many of the things we use daily are the products of diverse and healthy ecosystems.

More than half of all our medicines can be traced to naturally occurring organic compounds, including one-quarter of all prescriptions written in the United States. Over 3,000 antibiotics, including penicillin and tetracycline, are derived from micro-organisms. The purple prairie cornflower, a native Nebraska plant, is now being researched for its anticancer potential.

Sustainable use of resources has economic payoffs. Forests that are managed sustainably provide an ongoing supply of timber for timber-dependent communities. Likewise, healthy fisheries provide continuing jobs; depleted fisheries do not. Healthy soil supports agriculture; eroded, infertile soil does not.

But we must be concerned about more than just those species that have immediate health or economic benefits. Maintaining the diversity of life provides future generations with options for new products and services. More important still, maintaining this diversity ensures the maintenance of healthy, productive, and stable ecosystems today. Clean water, productive agriculture, sustainable timber harvest, and bountiful fish harvests are all at risk if we overtax the biological systems on which these resources are based.

DEVELOPING SUSTAINABLE APPROACHES

The Commission can develop a comprehensive, integrated strategy and demonstrate to the world the United States' commitment to sustainably use and conserve our common biotic wealth. If indeed the 1990's are the crucial decade for stopping degradation, we must act now.

When Capt. John Smith sailed up the Potomac River in 1607, he observed that it was a "fruitful and delightsome land." He observed, "the soil to be lusty and very rich * * * all along the shores great plenty of pines and firs * * *." He wrote, "In summer no place affordeth more plenty of sturgeon, nor in winter more abundance of fowl * * * the river exceedeth with abundance of fish." He described it as "wilderness as God first made it." We do not see much left of the world of John Smith as we travel up the Potomac today.

It may be human nature to use up resources available to us today without regard to their availability in the future, but it does not have to be that way. As our population grows, consuming more and more resources, we continue to use them up. The pressure placed on our resources by humans, as we consume space, housing, food, and energy, will only increase. And our ingenuity in shaping the world's resources to our needs will only increase as our numbers increase. There need not be a conflict between the sustained use of the resources of the earth and the needs of humans. In most areas, these can be reconciled.

Lester Brown, in "Building a Sustainable Society" writes, "Efforts to protect the biological systems that support the economic system deserve to be high on humanity's political agenda."

As James Gustave Speth, founder and president of World Resources Institute has put it, "Next to the human mind, the Earth's biological wealth is the greatest thing about this planet." Let's save it.

SUMMARY OF H.R. 5969 THE COMMISSION ON THE CONSERVATION OF BIOLOGICAL RESOURCES ACT OF 1992

The bill's purpose is to develop Federal policies to promote the conservation, integrity, and resilience of biological resources.

The bill would establish the National Commission on the Conservation of Biological Resources to be composed of 16 members. They would be appointed as follows: two by the President; five by the President pro tempore of the Senate from recommendations by the majority leader and two from recommendations by the minority leader; five by the Speaker of the House of Representatives and two by the minority leader of the House.

Commission members would be scientists; academics; environmental specialists; persons knowledgeable about environmental sciences, conservation or land use; representatives of local, State and Federal governments, including Members of Congress; private industry representatives.

The Commission would be directed to, among other duties, plan for a systematic inventory of U.S. biological resources; identify policies and practices for improving management of public lands; identify mechanisms for coordinating government and the private sector in promoting sustainable use of biological resources; create a system for establishing priorities for Federal action needed to conserve biological resources; identify mechanisms for helping communities bear the economic costs of plans to conserve resources.

The Commission would be required to submit a report to the President and to Congress, including legislative recommendations, within three years of enactment and would terminate 60 days after submitting the report.

□ 2140

SERIOUS QUESTIONS FOR THE AMERICAN PEOPLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. CUNNINGHAM] is recognized for 5 minutes.

Mr. CUNNINGHAM. Mr. Speaker, many of us participated this afternoon in reviewing Col. Eugene Holmes' claim that Governor Clinton had lied about draft evasion. He did so point by point. The gentleman from Texas, the great SAM JOHNSON, presented a salient point. He said that the President of the United States must take an oath, and that oath goes, "I pledge to defend the Constitution against all enemies, domestic and foreign."

How can Governor Clinton do that after electing to deceive his own draft board by stating that he would go into the ROTC, and when he was not drafted, saying:

By the way, I am not going to do that, either. I am going to become a Jane Fonda-Tom Hayden antiwar draft dodger.

Jane Fonda and Tom Hayden at least had the courage to stand up for their convictions. Governor Brown and others did the same. However, Governor Clinton has lied, has deceived the American public long enough.

I had a young Democrat who asked me after the meeting, he said:

Mr. Cunningham, I did not serve in the military. Does that mean that I should not

be eligible to serve as President of the United States?

And our answer was:

Absolutely not. You did not decide to deceive. You didn't use political influence. You didn't lie, and cowardly, move out of the war and let someone else take your place.

By the way, that young Democrat is voting for President Bush.

I would have a hard time, Mr. Speaker, supporting a man after being, myself, shot down over North Vietnam in May of 1972, to be head of our armed services.

I would ask all Members, and everyone associated with the armed services, to take a serious look at the lies that Governor Clinton has put out to the American people.

Mr. DORNAN of California. Mr. Speaker, will the gentleman yield?

Mr. CUNNINGHAM. I yield to my great colleague, the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Speaker, I think, instead of having the gentleman from California [Mr. CUNNINGHAM] graciously rushing over here from another meeting and letting me finish the letter, and I repeat this, there are about 1 million people watching tonight. The letter is going in the RECORD in its entirety, both the letter from then-Clinton, aged 23, to Colonel Holmes, thanking him for saving him from the draft, and the Colonel resented that expression because he says:

I was not saving him from serving his country, as he erroneously thanked me in his letter from England dated December 3, 1969. I was making it possible for a Rhodes Scholar to serve in the military as a United States officer.

Since both the letters will be in, anybody can now call their Congressman and he can bring it up on his screen in regular bold print, 8½ by 10 inch page, and get it from their own Congressman.

What I would like to do is just a little colloquy with the gentleman on something that we discussed out there on the lawn to the American press, and at least CNN ran it.

I believe if Colonel Holmes had written this letter on February 7, of this year, instead of September 7, and today, by the way, is the 205th anniversary date of the Constitution of the United States. It was ratified 205 years ago today. I have a granddaughter, Erin Mary Griffin. It is her birthday today. She was 5.

Mr. CUNNINGHAM. Mr. Speaker, the Preamble to the Constitution says, "provide for the common defense."

Mr. DORNAN of California. Mr. Speaker, we would not be here today without this Constitution. There would not be a Presidency, there would not be a Supreme Court, there would not be a U.S. Senate.

Here we are, discussing this 10 days after the Colonel wrote the letter. If this had come out, as I believe one of the Senators over there who holds a Medal of Honor said, "He will be opened up like a soft peanut in the general election."

That has not happened yet. I think this letter would have precluded his winning any of those Democrat primaries. People were giving him the benefit of the doubt because he was the most charming and appealing of the candidates, but I believe someone else would have won that process, or there would have been a draft movement at the convention.

The sad thing is that half of our country is willing to overlook this, and at this point, according to the polls, make a draft-dodger President and Commander in Chief.

I think people owe it to themselves and the history of our country, and teaching kids to memorize Washington, Adams, Jefferson, Adams, Monroe, John Quincy Adams.

Mr. CUNNINGHAM. Mr. Speaker, they had a term in 1940 for this type of individual. They called them chickenhawks.

Mr. DORNAN of California. It will all be in the RECORD, Mr. Speaker.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3298, FARM CREDIT BANKS AND ASSOCIATIONS SAFETY AND SOUNDNESS ACT

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 102–876) on the resolution (H. Res. 573) providing for the consideration of the bill (H.R. 3298) to enhance the financial safety and soundness of the banks and associations of the Farm Credit System, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 918, MODIFYING REQUIREMENTS APPLICABLE TO LOCATABLE MINERALS ON PUBLIC DOMAIN LANDS

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 102–877) on the resolution (H. Res. 574) providing for the consideration of the bill (H.R. 918) to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO H.R. 5620, SUPPLEMENTAL APPROPRIATIONS, TRANSFERS, AND RESCISSIONS ACT, 1992

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 102–878) on the resolution (H. Res. 575) providing for the consideration of Senate amendments to the bill (H.R. 5620) making supplemental appropriations, transfers, and rescissions for the fiscal year ending September 30, 1992, and for other purposes, which was referred to the House Calendar and ordered to be printed.

BRAZEN INTELLECTUAL PIRACY

The SPEAKER pro tempore (Mr. HARRIS). Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, American newspapers recently reported a story described as a feud between the Mexican Government and an American archeologist, Dr. Jeffrey Wilkerson. It is not a feud, but is an expropriation of Dr. Wilkerson's archeological sites, which is a cultural ecology project on the Bobos/Nautla River.

This story is a tragedy for several reasons, and I might point out, Mr. Speaker, that the reason that I am particularly interested in it is that Dr. Wilkerson happened to have grown up in my district. His mother, Merlene Wilkerson, lives in my district today, as do his two sisters, Diane and Sandra. They live in the Second Congressional District in Maryland.

Mr. Speaker, there is a lot of interest in this story that should show what is happening between Mexico and the United States today.

First and most importantly, it is sad for all concerned as to how this area now will be developed. The archeological sites are potentially among the most important on the North American Continent, and the region is a treasure of information revealing a highly developed ancient civilization in Mexico. If this area is desecrated by commercialization for tourism, then its information and value to this generation, and future generations will be forever lost.

Located in Veracruz, some of the sites may be 2,000 years old and some may be substantially older. I can just see a Denny's or McDonald's perched on the perimeter of the area. Club Med and the latest fashion shops are inappropriate for such a site, and a five-star hotel is also inappropriate. Commercializing this site is sheer vandalism of history and archeology of the worst kind.

Traditionally, these sites are important to all the citizens of Mexico, but the treatment of Dr. Wilkerson, who is

one of the leading Meso-American scholars in this hemisphere, baffles me. It makes no sense.

The Christian Science Monitor quoted Mexican officials in describing Dr. Wilkerson's project, that this mammoth restoration project is "the most important and ambitious * * * in recent decades." A year ago, the Government originally gave academic approval for the project, and Dr. Wilkerson and his group of scholars, mostly from Mexico, were waiting patiently for the permit to begin work when suddenly this August, Mexican Government officials reversed their position, grabbing the project from Dr. Wilkerson.

I might add—Dr. Wilkerson has been in Mexico for 29 years. He is a highly respected archeologist and ecologist who has trained many of the young people now working in the field. Dr. Wilkerson has been backed by the National Geographic Society in other projects, and is affiliated with the Smithsonian Institution. Certainly these two American institutions have a world-class standing of impeccable credentials, so it is amazing to me that the Mexican Government would suddenly find these premier institutions lacking in academic credentials.

Second, and equally important for the United States, this ripping off of confidential papers in Dr. Wilkerson's proposal is a concern for many firms because of the North American Free-Trade Agreement [NAFTA] and the need to protect intellectual property or secret trade information. If it can happen to a major scientific project, it can to any commercial endeavor.

The chronology of how this happened is interesting—and from that I will let you draw your own conclusions from the chronology—but I think you will end up agreeing that this raises a serious question on how Anmerican firms and scientists will be treated under NAFTA.

Please remember as you listen that Dr. Wilkerson tried repeatedly in June and July to get an appointment with the appropriate officials of Mexico's National Institute of Anthropology and History [INAH] when he found his life's work being taken away, but was refused an appointment.

In 1972, on a postdoctoral fellowship from Harvard, Dr. Wilkerson proposed in a paper at that time, that a cultural corridor linked great pre-Hispanic cities of the central Mexican highlands with coastal civilizations in tropical Veracruz. Actually, he first visited the area in 1963 and began work in 1968.

Dr. Wilkerson is well qualified for this work. He was born in Baltimore, MD, and received his B.A. from Franklin and Marshall College and his Ph.D. in anthropology from Tulane University. He held various scholarships from these institutions as well as national Woodrow Wilson and NDEA fellowships. In addition to working on projects in Mexico, Dr. Wilkerson also had a postdoctoral fellowship for the study of pre-Columbian art from Yale University in addition to his Harvard fellowship. He also was named a research associate by the R.S. Peabody Foundation and has been appointed a collaborator of the Smithsonian Institution.

Over many years he has worked and lectured in Mexico and presently directs a nonprofit research foundation, the Institute for Cultural Ecology of the Tropics. He has undertaken projects in various parts of Mexico, Guatemala, Belize, Puerto Rico, France, and the United States. He has over 70 publications.

This is no Johnny come lately to archeology and cultural ecology. His colleagues have credited Dr. Wilkerson for establishing an 8,000-year chronology for Mexico's gulf coast as well as being the first to ascribe major archeological significance to the site in the Bobos/Nautla River corridor.

Excited over the site, Dr. Wilkerson immediately proceeded to formulate a project and plan, and proceeded in June 1991, with the complicated application process from the National Institute of Anthropology and History [INAH], which controls all archeology projects in Mexico. He received the academic approval in September 1991, assembled a full international crew to begin work, and was waiting for the final permit to begin work. That changed abruptly last month.

As you follow this chronology, please keep in mind, that Dr. Wilkerson has had a number of projects in Mexico and has never had a problem with them. This difficulty has confounded him as well as the intellectuals in Mexico who know his work well

On July 31, 1992, Mari Carmen Serra Puche, the new president of INAH and the sister of Commerce Minister Jaime Serra Puche, the chief Mexican negotiator on NAFTA, wrote Wilkerson that "in the same area that you propose to work, there already exists a project in which the Mexican Government is participating." Therefore, she said, Wilkerson would be denied permission to carry out his proposed project.

The stated reason to deny Dr. Wilkerson was that he lacked the backing of the Smithsonian and because National Geographic wanted to publish the results of his study. Despite formal letters from these institutions to the contrary, INAH forced Dr. Wilkerson to go back for further clarification of his backing.

One of the people involved with the additional letter writing from an American institution, said in a conversation with my staff, "We fully back him, how much more can we say?" Historically, you should know that currently there are six National Geographic projects functioning in Mexico and dozens of previous ones, including some of Dr. Wilkerson's, which have never been challenged on these points.

On August 5, the North American Free-Trade Agreement was announced in Mexico and the same day, Mari Carmen Serra Puche, sister of Jamie Serra Puche, the NAFTA negotiator, announced she was taking over Dr. Wilkerson's project.

According to the New York Times, on the instructions of President Carlos Salinas de Gortari, federal culture officials and the government of Veracruz announced that the most ambitious Mexican archeological restoration project in recent years would begin immediately at the sites. The only problem with this, is much of Dr. Wilkerson's documentation for his project was leaked and used by the Government and others.

When questioned, Mari Carmen Serra Puche, said such scientific work was not regarded as confidential. This infuriated scholars and intellectuals in both Mexico and the United States.

The Christian Science Monitor quoted an archeologist and researcher at the National Autonomous University of Mexico, that he—

> Was surprised to learn that project submissions to the Archaeology Council are not confidential. If they weren't confidential, nobody would present a detailed project. That's intellectual property. If it's not confidential, there would be a great quantity of projects being duplicated.

After the announcement, there was a meeting the first of September at INAH with Mari Carmen Serra Puche and her surrogates with Dr. Wilkerson, at which time, he was asked to repudiate a newspaper story about his project. But the main point of the meeting was for Dr. Wilkerson to accept a new zone that he would work.

Around this time, Dr. Wilkerson was shown letters from the Mexican Embassy to the Washington Post and individuals who had contacted the Embassy on the archaeological project issue. The letters, which were based on a document prepared by INAH, were factually inaccurate.

There was also an article in the Washington Post that the matter was settled about Dr. Wilkerson's project. Which was not so.

The latest event in this saga, was a press conference by INAH in Mexico City on September 14. The INAH Filibobos project was reannounced. Remember, the project was originally announced by August 5, and encompassed exactly the area of Dr. Wilkerson's project.

The Excelsior newspapers in Mexico City reported that Dr. Wilkerson can collaborate in their project if he presents academic institution endorsements.

It also described the press conference as polemical and that the participants

were "unable to offer concrete answers about what is the importance of salvage work in this area for which they do not have a large amount of data * * * and it appears that INAH's interest was awakened by the personal project of the American researcher in the study area."

To me, that means they announced a project, but had not the foggiest notion what it was.

The newspaper account also stated:

Not even the Director of the work, Mari Carmen Serra Puche could clarify what is the interest of INAH in salvaging this zone in which they do not know exactly what their aims are, nor why they are calling it the most ambitious project in the last decade.

The newspaper quotes it as saying that INAH will open the sites to the public and then only afterward discuss the academic value.

A curious part of the story was the statement about Filibobos being a valuable opportunity to create an infrastructure of services and ecological reserve. My understanding is this is entirely outside the normal authority of INAH—that it has no legal basis for participation in commericial infrastructure. According to announcements from various sources, there are plans for building roads and bridges through this study area which is an important ecological region.

Remember that Mari Carmen Serra Puche is simultaneous director of the National Museum of Anthropology, president of the Council of Archaeology, and director of the Filibobos project.

You should also know that this may be the first time that someone has been appointed from outside INAH as the director of the museum, and no one else has three titles of position within INAH. She is also the sister of the Secretary of Commerce, Jaime Serra Puche, who negotiated NAFTA in which they supposedly are guaranteeing intellectual property rights and trade secrets.

To me, this whole affair casts some very serious doubts on the intentions of Mexico to follow through on its guarantees, especially on intellectual property, which is so important to American business and our academics.

Also at question is how a Mexican Government institution can and will arbitrarily change the rules on a scientific endeavor so important not only to Mexico, but to the whole continent. In additon the question remains how they can commercialize such a site and ignore or relegate its academic importance to a secondary position?

To me this site is important, and it is an absolute wonder because of its age and cultural significance. Most of us have wondered as children, how a civilization can disappear, or how cities and buildings can be covered over or lost. We tend to think our time is the most important time, but it is always a surprise to find that other ages existed where people carried on extensive business and religious activities in an area that is partially wilderness. We need to know about this.

Instead of commercializing our wonders, why not look at them as Dr. Wilkerson does, as man's relation with his environment. I believe he says it best for all of us in one of his letters to his family.

In viewing the Bobos/Nautla site he wrote:

Perhaps the present is not as sophisticated as we would like to think. Unless we learn the value of preserving the past in its own setting we too will inevitably follow the same cycle. Those plants, animals, buildings, artifacts, and the unique valley which shelters them, are a part of the heritage of all men—if we choose to recognize them. For the moment, but probably not for many more moments, this splendid valley and its extraordinary testimonies to ancient grandeur are still hidden in the wilderness of time.

If INAH has its way and commercializes the project, it certainly will not be hidden in time—it will be forever lost—and we will all be the losers.

Once again, I want to salute Dr. Jeffery Wilkerson, who grew up in the second District of Maryland, and express my appreciation to his mother Merlene Wilkerson, my constituent who wrote me about this tragedy. I am certain many of my colleagues will want to join me in pressuring the Mexican Government on this matter.

□ 2200

INTRODUCTION OF RESOLUTION REQUESTING IMMEDIATE INVESTIGATION BY HOUSE ETHICS COMMITTEE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. COMBEST] is recognized for 60 minutes.

Mr. COMBEST. Mr. Speaker, there has been a considerable amount of time spent by the gentleman from Texas, the chairman of the House Banking Committee, in the investigation of United States/Iraq relations prior to Iraq's invasion of Kuwait. During this process, he has intentionally and systematically made unauthorized disclosures of classified and top secret State Department and CIA documents into the CONGRESSIONAL RECORD. This clear violation of House rules and possibly Federal law has been ignored by the Speaker, leaving no other option but to file this resolution asking for an immediate investigation by the House Ethics Committee.

Although Chairman GONZALEZ has denied the disclosure of any classified material, some of the documents that he has inserted in the CONGRESSIONAL RECORD in their entirety, still bear the classifications of "secret" or "confidential" on their faces. Furthermore, the chairman has stated on the floor "the American people have a right to know them [the facts], and piddling, phony charges about national security won't stop me."

Mr. Speaker, I want to set the record straight and provide letters for the RECORD that establish a chronology of events that will provide the complete story that Mr. GONZALEZ has not told. I want to make it very clear that I do not question the authority of the gentleman from Texas in his role as chairman of the Banking Committee to investigate to the full extent concerns he may have that come under the prerogative of his committee. I support the ability of investigators to receive the necessary information from the administration to complete full investigation. I am not questioning his investigation; I am questioning the intentional and unauthorized release of classified and top secret material. Clause 7 of House rule 48 prohibits the disclosure of such information in the Intelligence Committee's possession without a vote of the committee. This provision mandates an investigation by the Committee on Standards of Official Conduct and a report of its finding and recommendations. Under rule 48, those recommendations specifically may include censure, removal from committee membership, or expulsion from the House.

Like Chairman GONZALEZ, I do not always agree with the classification of material we on the Intelligence Committee review and from time to time I feel we have too much material classified. But the decision to ignore that classification is not up to me or any other Member. There is a clear process that members must go through in an attempt to declassify material.

If a Member truly believes an issue is important enough that the House should debate it, and some of the information he deems necessary for debate remains classified, the Member can invoke rule 29. The House can then consider the matter, and the classified information involved, freely in an executive session. Pursuant to this rule, the House may vote to make all or part of the transcript of those secret proceedings public. I believe that any leaks of classified information should be strongly dealt with. Furthermore, in these instances more harm is done than is often apparent on the surface.

Mr. GONZALEZ cavalierly dismisses concerns that the documents he placed in the RECORD "in no way harmed the national security." Of course, it is practically impossible for laymen to grasp all of the possible ramifications which may result from the disclosure of classified information just from looking at its face, let alone the impact of releasing numbers of sensitive documents.

After classified information had been made public by the gentleman from

Texas, the minority leader, Mr. MICHEL, expressed his concerns in a letter to the Speaker on May 15, 1992. I quote from that letter.

Chairman Gonzalez is publicly disclosing classified information in the Congressional Record during the course of delivering those orders. This information was made available by executive branch agencies to the Banking Committee in cooperation with a committee investigation. In some cases, he has inserted in the Record documents which clearly state that they are classified "secret" or "confidential."

In a letter to our colleague, Congressman Shuster, the State Department indicated that as of April 24, Chairman Gonzalez had "inserted in the Congressional Record the full texts of at least fourteen classified documents generated by the Department of State."

The documents have not been declassified. Moreover, when the State Department gave the committee access to these documents, it was the Department's understanding that access would be restricted to persons with appropriate security clearances, that they would not be duplicated and that the documents would be returned when the committee completed its relevant legislative activities.

To date, that letter has not been answered or acknowledged. The Republican leader wrote to the Speaker again on July 24, 1992 and has yet to receive a response. In a letter to Chairman GONZALEZ on July 24, 1992 the Director of the Central Intelligence Agency, Robert Gates said:

We also have determined that your statement in the Congressional Record on 7 July 1992 included information from a top secret compartmented and particularly sensitive document dated 4 September 1989 to which we gave your staff access. Because of the sources and methods underlying that information, I will ask for a damage assessment to determine the impact of the disclosure.

I regret that you chose to discuss information from classified documents without attempting to determine if we could work out a way to satisfy both our need to protect intelligence sources and methods, as well as your need to make public information concerning the development of U.S. policy toward Iraq.

I must also take strong exception to your statement in the Record that, "the lack of CIA cooperation with the prosecutors in Atlanta was a calculated administration effort to conceal the true nature of the BNL scandal and to hide the level of Iraqi government complicity in the scandal. In fact, the CIA has cooperated completely with the prosecutors in Atlanta. We received and responded to several Department of Justice requests for information beginning in late summer 1990 providing, among other things, directorate of intelligence finished intelligence reports; raw intelligence reports; copies of articles from the foreign press; and foreign broadcast information service reports. We also provided special briefings for senior Department of Justice attorneys and have provided additional responsive information as it has become available. Although we are unable to determine the value of CIA information to the prosecutor, the facts will show that we have been completely responsive to all requests we have received.

This agency's consistent policy has been to cooperate when requested to do so, with all Department of Justice prosecutions. If evidence to the contrary has come to light during the course of your investigation, I ask that you provide me with facts sufficient to permit inquiry into whether a violation of agency policy has occurred. If no such evidence exists, I urge that the Record be promptly corrected.

In a July 28, letter to Mr. GONZALEZ from Acting Director of Central Intelligence, Admiral Studeman, he wrote:

As director Gates' response to your letter of 7 July indicates, we have been making every effort to cooperate with your requests for access to intelligence reports available for you to use in public statements. We are prepared to work with you to continue reviewing our reports to determine what may be made available to the public.

We have reviewed your statements published in the Congressional Records of 21 and 27 July. We have determined that portions of your statements were drawn from classified intelligence documents, some of which are top secret, compartmented, and particularly sensitive. I have asked the Office of Security of the Central Intelligence Agency to undertake a review of your statements in order to determine the impact of the disclosures of intelligence information on intelligence sources and methods.

The lack of a response and further disclosures of classified information led Mr. MICHEL to introduce House Resolution 539 on August 4, 1992, and in addition to that resolution, I also include his statement at this time which reads: in part:

Mr. Speaker, I introduce this resolution with great reluctance. But quite frankly I don't know what else to do. Over two and a half months ago, in an effort to keep this above politics, I quietly wrote the speaker about my concerns over the unauthorized disclosures by chairman Gonzalez, urging quick and decisive action. I got no response * * *.

Today I am introducing House Resolution 572 directing the Committee on Standards of Official Conduct to conduct an investigation regarding the possible unauthorized disclosure of classified information.

As had been referenced in Director Gates' letter, Chairman GONZALEZ indicated there was an effort to hide behind classifications and not produce the documents. I want to read portions of an August 28, letter to Intelligence Committee Chairman DAVE MCCURDY in which Assistant Attorney General W. Lee Rawls outlines a proposal to submit all of the requested information to the House Intelligence Committee.

I am writing on behalf of the administration to advise you that the administration will be delivering or, consistent with established security procedures, making available to the House Permanent Select Committee on Intelligence copies of classified documents that are responsive to the requests for information set forth in the subpoenas that were recently served on a number of departments and agencies by the House Committee on Banking, Finance and Urban Affairs.

The administration is compelled to respond in this manner because of Chairman Gonzalez's disclosures of classified information on the floor of the House of Representatives and in the Congressional Record.

On May 15, 1992, the attorney general wrote to Chairman Gonzalez to advise him that the administration would not provide him or the Committee on Banking, Finance and Urban Affairs with any more classified information until specific assurances are received from the chairman that classified information provided to him and the committee will receive such security protection. Because we have not received such assurances from Chairman Gonzalez, the administration is following the procedure set forth in the attorney general's May 15, 1992 letter to the Speaker of the House of Representatives.

The Speaker declined that offer. [letter submitted] Following that decline, Assistant Attorney General Rawls wrote this September 4, letter to members of the Banking Committee.

This letter concerns the requests for information set forth in the subpoenas that the committee recently served on a number of departments and agencies and, specifically, the protection of classified documents responsive to those requests.

The administration is compelled to address this issue because of Chairman Gonzalez's disclosure of classified information on the floor of the House of Representatives and in the Congressional Record.

On May 15, 1992, the attorney general wrote to Chairman Gonzalez to advise him that the administration would not provide him with any more classified information until specific assurances were received from the chairman that classified information provided to him and the committee would receive such security protection. To date, we have not received such assurances.

Therefore, in a further effort to meet the legitimate needs of the committee, consistent with the administration's constitutional and statutory responsibilities, the administration intends to comply with the requests by permitting individual members of the committee, other than the chairman, and their appropriate staff with requisite security clearances to view responsive, classified documents in their offices or at the offices of the appropriate department or agency.

The administration remains committed to providing the committee with the information it needs to perform its legislative responsibilities. We can only do so, however, if the provision of that information does not undermine the administration's constitutional and statutory responsibilities to protect classified information from unauthorized disclosure.

Mr. Speaker, I think the record is clear. There is every indication that the administration is making every effort to comply with Chairman GONZALEZ' investigation, and if not, let us see the list of things that have been requested that have been flatly denied. Let the investigation continue but, Mr. Speaker, the intentional leaks must stop.

OFFICE OF THE REPUBLICAN LEADER,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, May 15, 1992.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: As you may know, our colleague Henry Gonzalez, Chairman of the Committee on Banking, Finance and Urban Affairs, has taken a series of special orders regarding U.S. policy toward Iraq and the role of the Banco Nazionale de Lavoro.

Chairman Gonzalez is publicly disclosing classified information in the Congressional

Record during the course of delivering those orders. This information was made available by Executive Branch agencies to the Banking Committee in cooperation with a committee investigation. In some cases, he has inserted in the Record documents which clearly state that they are classified "Secret" or "Confidential."

In a letter (see attached) to our colleague Congressman Shuster, the State Department indicated that (as of April 24), Chairman Gonzalez had "inserted in the Congressional Record the full texts of at least fourteen classified documents generated by the Department of State." According to that letter, those documents "contain classified information involving sensitive diplomatic discussions and * * * disclose sensitive high-level internal deliberations." The Treasury Department has also expressed concern about publication of classified documents it provided to the Banking Committee.

The documents have not been declassified. Moreover, when the State Department gave the Committee access to these documents, it was the Department's understanding that access would be restricted to persons with appropriate security clearances, that they would not be duplicated and that the documents would be returned when the Committee completed its relevant legislative activities.

It is my understanding that the Banking Committee has never voted to disclose publicly any of these sensitive classified documents. These repeated, unilateral disclosures of classified information raise serious questions of possible violations of House Rules, at least Clauses 1 and 2 and Rule XLIII (Code of Official Conduct). Also, these actions appear to violate the spirit and the letter of Clause 2(k)(7) of Rule XI. I do not know whether the Committee voted to subpoena these documents in executive session. However, the information in these classified documents is required by Executive Order to be protected from disclosure to unauthorized persons, which would certainly seem to include the public. When a Member or committee wishes to bring classified Executive Branch information before the House, Rule XXIX provides the vehicle of a secret session to do so. The information so imparted must continue to be protected unless the House votes to disclose it. Similarly, classified information sent by a committee to the Archives is protected from public disclosure by Clause 5(a) of Rule XXXVI.

Even if the classified documents at issue here were not technically requested in executive session, they should be considered to be de facto executive session information requiring, at a minimum, that the committee authorize their public disclosure. To take the contrary view and accept the implication that any member may unilaterally disclose classified information received by a committee outside of executive session would be blatantly inconsistent with the protective treatment of classified information under Rules XXIX and XXXVI. Clearly, no Rule of the House authorizes such unilateral disclosures.

Two of the Executive Branch departments involved, State and Treasury, have indicated in writing that these unauthorized disclosures have significantly damaged the spirit of close cooperation between the Executive and Legislative Branches. The State Department has expressed its concern about the adverse effects such disclosures have on our ability to conduct our foreign relations. They also noted the grave concerns expressed by our Ambassador to Italy as to the chilling effects these disclosures may have on our relations with that close ally.

My level of concern is further heightened by my understanding that the Banking Committee has also been given access to some sensitive intelligence information. If this trend of disclosing classified information continues, it may be only a matter of time until that information is published in the Record, potentially compromising sensitive intelligence sources and methods. To condone such a pattern of conduct could readily lead to widespread resistance by the Executive Branch to House requests for classified information and to disruptive confrontations in the courts.

Finally, I sincerely believe that the reputation of the House is being seriously damaged by this highly questionable practice. Therefore, in this connection and mindful of Rule XLVIII, I earnestly request and urge you, Mr. Speaker, to look into this serious situation immediately and take whatever corrective actions are necessary to resolve this troublesome matter.

Sincerely,

ROBERT H. MICHEL,
Republican Leader.

CENTRAL INTELLIGENCE AGENCY,
Washington, DC, July 24, 1992.

Hon. HENRY GONZALEZ,
Chairman, Committee on Banking, Finance and Urban Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: In response to your letter of 7 July, we have reviewed the memorandum entitled "Iraq-Italy: Repercussions of the BNL-Atlanta Scandal" to determine whether it can be declassified. We have determined that nearly all of the document can be declassified, although we have had to make some very limited exclusions to protect sensitive intelligence sources and methods. The sanitized document is enclosed. We have done this as part of a continuing effort to cooperate with your committee.

We also have determined that your statement in the Congressional Record on 7 July 1992 included information from a TOP SECRET compartmented and particularly sensitive document dated 4 September 1989 to which we gave your staff access. Because of the sources and methods underlying that information, I will ask for a damage assessment to determine the impact of the disclosure.

I regret that you chose to discuss information from classified documents without attempting to determine if we could work out a way to satisfy both our need to protect intelligence sources and methods, as well as your need to make public information concerning the development of US policy toward Iraq.

I must also take strong exception to your statement in the Record that, "The lack of CIA cooperation with the prosecutors in Atlanta was a calculated administration effort to conceal the true nature of the BNL scandal and to hide the level of Iraqi Government complicity in the scandal." In fact, the CIA has cooperated completely with the prosecutors in Atlanta. We received and responded to several Department of Justice requests for information beginning in late summer 1990 providing, among other things, Directorate of Intelligence finished intelligence reports; raw intelligence reports; copies of articles from the foreign press; and Foreign Broadcast Information Service reports. We also provided special briefings for senior Department of Justice attorneys and have provided additional, responsive information as it has become available. Although we are unable to determine the value of CIA information to the prosecutor, the facts will show that we have been completely responsive to all requests we have received.

This Agency's consistent policy has been to cooperate, when requested to do so, with all Department of Justice prosecutions. If evidence to the contrary has come to light during the course of your investigation. I ask that you provide me with facts sufficient to permit inquiry into whether a violation of Agency policy has occurred. If no such evidence exists, I urge that the record be promptly corrected.

Sincerely,

ROBERT M. GATES,
Director.

OFFICE OF THE REPUBLICAN LEADER,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, July 24, 1992.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I regret that I have to write you again relative to our colleague Henry Gonzalez, Chairman of the Committee on Banking, Finance, and Urban Affairs, who on July 7th and July 21st, disclosed during special orders classified information provided to the Banking Committee by the Executive Branch. Previously, as you may recall, he disclosed classified documents of the State Department and Treasury. On July 7th, he disclosed information purportedly from a classified Central Intelligence Agency document which he indicated is entitled "Iraq-Italy, Repercussions of the BNL-Atlanta Scandal." On July 21st, he disclosed information from two top secret, compartmented CIA intelligence documents.

These unilateral disclosures are improper and neither authorized by, nor consistent with, the Rules of the House, as I pointed out in my letter of May 15, 1992. [See Attachment] It is not up to the capricious inclinations of one Member whether to disclose classified information made available by the Executive Branch to a House committee. Such conduct serves no legitimate legislative oversight needs. Instead, it strikes at the very heart of the mutual trust between branches which is crucial to effective oversight. This information was furnished to the Banking Committee in support of its oversight responsibilities and with the expectation that it would be properly protected from unauthorized disclosure.

This steady stream of leaks by a senior Member of this body reflects very badly on the public reputation and dignity of the House as an institution, quite apart from any consideration of the merits of Chairman Gonzalez's speculations on the meaning and significance of the information he has been disclosing. Moreover, for the leadership of the House to continue to countenance this highly questionable behavior has other far-reaching and disturbing ramifications. It feeds what I fear is a growing and very troubling perception of the relative ease with which any Member may disclose with impunity classified information in virtually any committee's files. Equally seriously, continued inaction on these habitual disclosures will have injurious effects on intelligence assets. Repeated disclosures of classified information are bound to make them more and more hesitant to risk their lives and safety by cooperating with U.S. intelligence agencies. I believe the July 7th incident is the first instance in which Chairman Gonzalez disclosed information from a CIA document

he openly acknowledged to be classified. This disclosure, coupled with his leaks of July 21st, suggest an ominous trend. I say that because I understand that for nearly a year now the CIA has been giving Banking Committee staff access to many classified intelligence documents in cooperation with that committee's oversight inquiries.

Frankly, I am puzzled and disappointed that you have not yet responded to or acknowledged my original letter of May 15th on this egregious matter. It is time for action. Every day of inaction risks further disclosures and further damage to national security interests and to the vitality and effectiveness of the legislative oversight process. Mr. Speaker, I therefore urge you again to take whatever steps are required to put an end to these continuing, unauthorized, unilateral disclosures.

Sincerely,

ROBERT H. MICHEL,
Republican Leader.

CENTRAL INTELLIGENCE AGENCY,
Washington, DC, July 28, 1992.

Hon. HENRY GONZALEZ,
Chairman, Committee on Banking, Finance and Urban Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: As Director Gates' response to your letter of 7 July indicates, we have been making every effort to cooperate with your requests for access to intelligence information. We have appropriately declassified intelligence reports available for you to use in public statements. We are prepared to work with you to continue reviewing our reports to determine what may be made available to the public.

We fully respect your obligation to discharge the oversight responsibilities assigned to your Committee. I hope that you understand our obligation to protect intelligence sources and methods through careful review of information before it is released to the public.

We have reviewed your statements published in the Congressional Records of 21 and 27 July. We have determined that portions of your statements were drawn from classified intelligence documents, some of which are Top Secret, compartmented, and particularly sensitive. I have asked the Office of Security of the Central Intelligence Agency to undertake a review of your statements in order to determine the impact of the disclosures of intelligence information on intelligence sources and methods.

Very respectfully,

W.O. STUDEMAN,
Admiral, U.S. Navy, Acting Director of Central Intelligence.

STATEMENT BY ROBERT H. MICHEL, INTRODUCING A RESOLUTION CALLING FOR AN ETHICS PROBE OF CHAIRMAN GONZALEZ, AUGUST 4, 1992

Mr. Speaker, I introduce this resolution with great reluctance. But quite frankly I don't know what else to do. Over two and a half months ago, in an effort to keep this above politics, I quietly wrote the Speaker about my concerns over the unauthorized disclosures by Chairman Gonzalez, urging quick and decisive action. I got no response, even through Attorney General Barr indicated in a letter to the Speaker that because of Mr. Gonzalez' unauthorized disclosures, the administration must cease furnishing him classified information

Eleven days ago in another letter to the Speaker, I reiterated my concerns, and noted that since my original letter, there had been more unauthorized disclosures by Mr. Gonzalez that were drawn from very sensitive and highly classified CIA documents. These latest disclosures prompted letters to House Leaders from the Director of Central Intelligence, Robert Gates, and Admiral William Studeman, who is temporarily serving as the acting Director of Central Intelligence.

Both Gates and Studeman have indicated that Mr. Gonzalez has unilaterally disclosed classified Intelligence information. So have representatives of the State Department and Treasury Department with respect to classified information emanating from their agencies which they gave Chairman Gonzalez in a good faith effort to comply with this requests.

Mr. Speaker, the information that Mr. Gonzalez has been disclosing was furnished to him with the understanding that it be properly protected. The key to successful oversight of intelligence matters is trust. Without it, the whole process breaks down. Failure to act on this matter provides the Executive Branch with a legitimate reason to withhold information—information that is crucial to meaningful oversight.

Failure to address this problem immediately will also cause serious damage to our Intelligence activities overseas. Put yourself in the shoes of a friendly country or third parties who have been helping our Intelligence Officers carry out their mission. Letting this go on unaddressed creates the perception that Congress is a sieve and we are unconcerned about the security interests of our allies and the lives of our Intelligence Officers and their agents.

We must remember that in this highly interdependent world we can't go it alone. Terrorism is a case in point. Most terrorism against U.S. Citizens occurs overseas. To combat it, we need the cooperation of our allies. That kind of cooperation is going to dry up—if we continue to let leaks like this go unpunished.

Failure of the House to hold Mr. Gonzalez accountable places him above the law. Moreover, this steady stream of leaks by a senior member of this body reflects very badly on the public reputation and dignity of the House as an institution, quite apart from any consideration of the merits of Chairman Gonzalez' speculations on the meaning and significance of the information he has been disclosing. For the Leadership of the House to continue to tolerate this highly questionable behavior has other far-reaching and disturbing ramifications. It feeds what I fear is a growing and very troubling perception of the relative ease with which any Member can disclose classified information with impunity.

Mr. Speaker, every member of this institution must abide by our rules and procedures. When a member of a committee wishes to bring classified Executive Branch information before the House, Rule 29 provides the vehicle of a secret session to do so. That information must remain protected unless the House votes to disclose it. In short, I believe that Mr. Gonzalez' conduct does not reflect creditably on the House and violates Clause 1 of House Rule 43, which deals with Members' code of conduct. It also violates Clause 2 of House Rule 43, which enjoins all members to adhere to the spirit and the letter of the rules of this body.

It is against this backdrop, Mr. Speaker, that I introduce this Resolution today. Enough is enough. It is time for action. Every day of inaction risks further disclosures and further damage to national security interests and to the vitality and effectiveness of the legislative oversight process.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, August 28, 1992.

Hon. DAVE MCCURDY,
Chairman, Permanent Select Committee on Intelligence, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing on behalf of the Administration to advise you that the Administration will be delivering or, consistent with established security procedures, making available to the House Permanent Select Committee on Intelligence copies of classified documents that are responsive to the requests for information set forth in the subpoenas that were recently served on a number of departments and agencies by the House Committee on Banking, Finance and Urban Affairs.

The Administration is compelled to respond in this manner because of Chairman Gonzalez's disclosures of classified information on the floor of the House of Representatives and in the Congressional Record. The executive order on national security information precludes us from disseminating classified information "outside the executive branch except under conditions that ensure that the information will be given protection equivalent to that afforded within the executive branch." E.O. 12356, Section 4.1(c), 47 Fed. Reg. 14874, 14881 (1982). On May 15, 1992, the Attorney General wrote to Chairman Gonzalez to advise him that the Administration would not provide him or the Committee on Banking, Finance and Urban Affairs with any more classified information until specific assurances are received from the Chairman that classified information provided to him and the Committee will receive such security protection. Because we have not received such assurances from Chairman Gonzalez, the Administration is following the procedure set forth in the Attorney General's May 15, 1992 letter to the Speaker of the House of Representatives.

Consistent with the Administration's constitutional and statutory responsibilities, until such time as Chairman Gonzalez provides the executive branch with specific assurances that classified information will remain protected, the Administration intends to respond to subpoenas and other requests for information from Chairman Gonzalez or the Committee that call for the production of classified documents by delivering or, in appropriate circumstances, making such documents available to the House Permanent Select Committee on Intelligence. We are following this procedure on the understanding that the House Permanent Select Committee on Intelligence will act as the custodian of the classified documents in question, and that the Speaker will control access to the documents to ensure that they are disclosed only to persons who provide specific assurances that they will accord the documents security protection consistent with that afforded such documents within the executive branch, that is, protection from unauthorized disclosure, with access provided only to persons with appropriate security clearances and a need to know the classified information contained therein.

Enclosed are copies of the Attorney General's letters of May 15, 1992 and my letters to today's date to Chairman Gonzalez and the Speaker.

Sincerely,

W. LEE RAWLS,
Assistant Attorney General.

HOUSE OF REPRESENTATIVES,
Washington, DC, September 2, 1992.

DEAR MR. ATTORNEY GENERAL: In an August 28 letter, Mr. Lee Rawls, the Assistant

Attorney General for Legislative Affairs, has written to inform me that copies of certain classified documents responsive to supoenas issued by the Committee on Banking, Finance and Urban Affairs are to be delivered or made available to the Permanent Select Committee on Intelligence. He further indicates that the Administration intends to continue to provide classified documents requested by the Banking Committee to the Intelligence Committee and ask that I, as Speaker, act to control access to such documents subject to security criteria set forth in his letter.

The Parliamentarian informs me that he knows of no precedent for the issuance of such a directive by the Speaker. Neither committee has requested this arrangement, nor was it the subject of any agreement between the Administration and me.

After careful consideration of Mr. Rawl's letter, and further consultation with the Parliamentarian, I have determined that I have no authority to impose the conditions the Administration seeks. I therefore suggest that the Administration discuss with the Banking Committee the manner in which it will comply with these subpoenas. It is my view that it is not appropriate for either the Intelligence Committee or me as Speaker to unilaterally interpose ourselves between the Banking Committee and the Administration with respect to what constitutes effective compliance with the Committee's subpoenas.

With high personal regard, I am

Sincerely,

THOMAS S. FOLEY,
The Speaker.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, September 4, 1992.

Hon. HENRY B. GONZELEZ,
Chairman, Committee on Banking, Finance and Urban Affairs, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This letter concerns the requests for information set forth in the subpoenas that the Committee recently served on a number of departments and agencies and, specifically, the protection of classified documents responsive to those requests. In a letter dated September 2, 1992, the Speaker of the House of Representatives has advised the Administration that, under the circumstances, he has no authority to control access to classified documents placed in the custody of the House Permanent Select Committee on Intelligence in response to requests for information issued by the Committee on Banking, Finance, and Urban Affairs.

As the Administration has previously advised you, classified documents are subject to the binding restrictions set forth in the executive order on national security information, which precludes departments and agencies from disseminating classified information "outside the executive branch except under conditions that ensure that the information will be given protection equivalent to that afforded within the executive branch." E.O. 12356, Section 4.1(c), 47 Fed. Reg. 14874, 14831 (1992). By letter dated May 15, 1992, the Attorney General informed you on behalf of the Administration that "in light of your recent disclosures [of classified information], the executive branch will not provide any more classified information to you until specific assurances are received from you that classified information provided to you and the Committee will receive the same security protection provided by the executive branch, that is, protection from unauthorized disclosure, with access provided only to persons with appropriate security clearances." To date, we have not received such assurances.

Accordingly, the Administration will deliver or, in appropriate circumstances, make available to you responsive, classified documents only on the condition that you provide the Administration with specific assurances that classified information provided to you will receive the same security protection provided by the executive branch, that is, protection from unauthorized disclosure, with access provided only to persons with appropriate security clearances. If you provide the Administration with such assurance, the Administration will, consistent with its constitutional and statutory responsibilities, deliver or make available to you responsive, classified documents forthwith.

Until you provide such assurances, and consistent with the Administration's constitutional and statutory responsibilities, the Administration intends to comply with the requests for information set forth in the subpoenas by permitting individual members of the Committee and their appropriate staff with requisite security clearances to view responsive, classified documents in their offices or at the offices of the appropriate department or agency. Requests to view classified documents should be directed to departments and agencies that indicate that they have custody or control of classified documents responsive to the Committee's requests. Viewing arrangements will be made promptly, and will be carried out in accordance with established security procedures.

The Administration remains committed to providing the Committee with the information it needs to perform its legislative responsibilities. We can only do so, however, if the provision of that information does not undermine the Administration's constitutional and statutory responsibilities to protect classified information from unauthorized disclosure. We look forward to working with you to resolve this matter in a mutually satisfactory and responsible manner.

If you have any questions, please do not hesitate to contact me at 514–2141 or Faith Burton, Acting Deputy Assistant Attorney General, at 514–1653.

Sincerely,

W. LEE RAWLS,
Assistant Attorney General.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, September 4, 1992.

Members of the Committee on Banking, Finance, and Urban Affairs,
U.S. House of Representatives, Washington, DC.

DEAR COMMITTEE MEMBER: This letter concerns the requests for information set forth in the subpoenas that the Committee recently served on a number of departments and agencies and, specifically, the protection of classified documents responsive to those requests.

The Administration is compelled to address this issue because of Chairman Gonzalez's disclosures of classified information on the floor of the House of Representatives and in the Congressional Record. The executive order on national security information precludes us from disseminating classified information "outside the executive branch except under conditions that ensure that the information will be given protection equivalent to that afforded within the executive branch." E.O. 12356, Section 4.1(c), 47 Fed. Reg. 14874, 14881 (1982). On May 15, 1992, the Attorney General wrote to Chairman Gonzalez to advise him that the Administration would not provide him with any more classified information until specific assurances were received from the Chairman that classified information provided to him and the Committee would receive such security protection. To date, we have not received such assurances.

Accordingly, on August 28, 1992, I wrote to Chairman Gonzalez to advise him that the Administration would deliver or, in appropriate circumstances, make available responsive classified documents to the House Permanent Select Committee on Intelligence. The Administration elected to follow this procedure on the understanding that the House Permanent Select Committee on Intelligence would act as the custodian of the classified documents, and that the Speaker of the House of Representatives would control access to the documents to ensure that the documents would be disclosed only to persons who would accord the documents security protection consistent with that afforded such documents within the executive branch, that is, protection from disclosure, with access provided only to persons with appropriate security clearances. On September 2, 1992, the Speaker of the House of Representatives wrote the Attorney General to advise him that, under the circumstances, he has no authority to control access to classified documents placed in the custody of the House Permanent Select Committee on Intelligence in response to requests for information issued by the Committee on Banking, Finance, and Urban Affairs.

Therefore, in a further effort to meet the legitimate needs of the Committee, consistent with the Administration's constitutional and statutory responsibilities, the Administration intends to comply with the requests by permitting individual members of the Committee, other than the Chairman, and their appropriate staff with requisite security clearances to view responsive, classified documents in their offices or at the offices of the appropriate department or agency. Requests to view classified documents should be directed to departments and agencies that indicate that they have custody or control of classified documents responsive to the Committee's requests. Viewing arrangements will be made promptly, and will be carried out in accordance with established security procedures.

The Administration remains committed to providing the Committee with the information it needs to perform its legislative responsibilities. We can only do so, however, if the provision of that information does not undermine the Administration's constitutional and statutory responsibilities to protect classified information from unauthorized disclosure.

Enclosed are copies of the Attorney General's letters to Chairman Gonzalez and the Speaker dated May 15, 1992, my letters to Chairman Gonzalez and the Speaker dated August 28, 1992, and the Speaker's letter to the Attorney General dated September 2, 1992. If you have any questions about this matter, please do not hesitate to contact me at 514–2141 or Faith Burton, Acting Deputy Assistant Attorney General, at 514–1653.

Sincerely,

W. LEE RAWLS,
Assistant Attorney General.

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

Mr. COMBEST. I am happy to yield to the gentleman from California.

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

I just wanted to say that I was in my office and listened to the gentleman's words and came over to the floor because I thought that what he was saying is extremely important.

I think too many of us begin to develop an idea about the people who are impacted and affected by the leaking or the displaying of classified documents that evidence the fact that we do not understand how absolutely critical it is that we maintain confidentiality and that the lives of people who work for the United States are affected and at times endangered because of the actions of Members of Congress who take it into their own hands to decide what will be classified and what will not be classified.

I just wanted to say to the gentleman that the men and women of the nonuniformed services who work in our intelligence operations around the world, who risk their lives on a daily basis, who do not get praise when they come home, like our Desert Storm troopers, and who sometimes die in small and quiet places, have a real interest in what the gentleman is saying, and in this body adopting, and that includes all the Members, some of whom have betrayed that confidentiality and that trust, adopting a discipline, because if we do not adopt a new discipline, we are going to see lives lost.

Mr. Speaker, I thank the gentleman for taking time from his busy schedule to come down and say the words he has given us today.

Mr. COMBEST. Mr. Speaker, I appreciate the comments of the gentleman.

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

Mr. COMBEST. I am happy to yield to the gentleman from Florida.

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

My remarks will be very circumspect, because I sit on the Ethics Committee, and the gentleman from Texas has called for action by that committee, so in order not to prejudge anything and be entirely fair, I will be very cautious in what I say; however, I could not let this opportunity pass without saying that I think it is necessary that some action come forward, because I think some critically essential principles are at stake in front of us.

I happen to come from the Sunshine State, the State of Florida, where we have government in the sunshine, we cherish the public's right to know and the public's access to information; but we also know that some matters are withheld from the public for security reasons, whether it is national security or other bonafide purposes, and they are out there.

Matters are classified according to degrees of sensitivity, subject to special procedures, rules of handling, we know that. We know these things. It is part of being a Congressperson.

Some quarrel with classifications, and I would agree there are times they should be challenged, whether a report or a document has got the right classification or is classified for the right reasons is debatable; but that is not the issue here in any way. There are procedures to deal with that.

I would say that in some very special circumstances, there are ways to get special access to classified material or waivers of classified material. Again, those are not the issues here.

I do not know of a single event, not any event, and certainly there should be no event where there is any latitude for an individual Member of Congress to unilaterally and deliberately expose classified material. I do not see how any Member of Congress has the experience to make that judgment and substitute his or her preference over the judgment of professionals who have made the classification.

Now, on its face, based on what I have heard this evening, it appears that one Member of this body has willfully, repeatedly and significantly, released clearly classified information on several occasions, despite warnings to desist, if I have understood it properly.

I think it is alleged that damage has been done or may have been done to our national interests, to this institution and to the ability of this institution to work in a cooperative and friendly spirit with the executive branch, an efficient spirit; but for me tonight, and the reason I am speaking is not about this individual, it is about the principle involved, because it is a professional principle, and let me try this for a thought.

Were I a doctor or a lawyer, I believe that anybody would understand the client privilege between an attorney and his client. I think anybody would understand the special relationship between the doctor and his patient and the right to privacy. I think those are clear things.

Well, I happen to be a former intelligence officer. I will tell you that that profession depends on respect and privacy of sensitive matters, and they cannot be breached without serious effect.

It is a matter of professionalism. I would suggest that our professional intelligence efforts, on which we spend many hours, would be reduced to chaos and rubble if we tolerate unauthorized disclosure of privileged information by a Member of Congress because it is some kind of a right or privilege we afford to a Member of Congress.

Besides, we all know it is against the rules.

In fact, it turns out that matters are not quite finished in Iraq. We have got some very difficult decisions ahead in that country. We have got some very difficult decisions ahead with our partners to get compliance with the U.N. resolution. Leaks, willful or otherwise about Iraq, will affect our Intelligence gathering capability negatively. It is not in our Nation's best interests, certainly not now, and certainly not about Iraq. This is serious business.

If all the things that I have heard are true, I would suggest that it would be prosecutable and where it is not, perhaps there is a debate going on about whether a Member might be able to hide behind the speech and debate clause. I gather that is not resolved yet, anyway. There is some case law on it.

Some I know will say that this is all partisan politics. It is not so; anyway, not for me, it is not so. I have spoken from the well twice before on this issue. I have written an op-ed piece about it. I believe I have experience that is somewhat unique in this body as a former intelligence officer in the clandestine services; so I feel very strongly about it and this goes beyond partisan politics.

Unauthorized disclosure of classified information is wrong. It is harmful to our Nation's best interests, and I believe the gentleman from Texas [Mr. COMBEST] said it well when he said our first order of business is this must be stopped. Then perhaps we can get to the question of whether rules were broken, whether or not some punitive efforts are necessary; but meanwhile, I plead, Mr. Speaker, please stop the leaks now.

Mr. COMBEST. Mr. Speaker, I appreciate the comments of the gentleman, and again emphasize that they come from the experience of the years that he spent as an intelligence officer and understands the pressure those people are under in a very sensitive and certainly very dangerous position.

Mr. Speaker, I have no further request for time or any further statement.

GENERAL LEAVE

Mr. COMBEST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on the subject of my special order tonight.

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

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. OWENS of Utah (at the request of Mr. GEPHARDT), for today, on account of personal business.

Mr. PICKLE (at the request of Mr. GEPHARDT), for today, on account of death of friend.

Mr. BARNARD (at the request of Mr. GEPHARDT), for today and the balance of the week, on account of illness.

Mr. GORDON (at the request of Mr. GEPHARDT), for today, on account of death in family.

Mr. WASHINGTON (at the request of Mr. GEPHARDT), for today after 6 p.m. and the balance of the week, on account of personal business.

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. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mr. COMBEST, for 60 minutes, today.

Mr. WYLIE, for 5 minutes today, and for 60 minutes on September 22.

Mr. MILLER of Ohio, for 60 minutes, on September 22.

Mr. DORNAN of California, for 60 minutes, on September 18, 22, 23, 24, 30 and October 1, 2, 3, 4, and 5, and for 5 minutes, today.

Mr. EDWARDS of Oklahoma, for 60 minutes, on September 23.

Mr. COBLE, for 60 minutes, on September 22.

Mr. DUNCAN, for 5 minutes, today.

(The following Members (at the request of Mr. FRANK of Massachusetts) to revise and extend their remarks and include extraneous material:)

Mr. STARK, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. ROSE, for 60 minutes, on September 22.

Mr. GONZALEZ, for 60 minutes each day, on September 29 and 30, October 1, 2, 3, 4, 5, and 6.

Mr. OWENS of New York, for 60 minutes each day, on October 1, 2, 3, 4, 5, and 6.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DUNCAN) and to include extraneous matter:)

Mr. LAGOMARSINO.
Mr. FISH.
Ms. ROS-LEHTINEN.
Mr. MCCOLLUM.
Mr. SOLOMON.
Mr. BOEHLERT.
Mr. MICHEL.
Mr. CRANE.
Mrs. MORELLA.
Mr. GREEN of New York.
Mr. WEBER.
Mr. LOWERY of California.
Mr. SOLOMON.
Mr. GRADISON.

(The following Members (at the request of Mr. FRANK of Massachusetts) and to include extraneous matter:)

Mr. STARK in three instances.
Mr. HOYER in two instances.
Mr. HOCHBRUECKNER.
Mr. CONDIT.
Mr. YATRON.
Mr. MANTON.
Mrs. KENNELLY.
Mr. MINETA.
Mr. GUARINI.
Mr. ROE.
Mr. MATSUI.
Mr. LAFALCE.
Mr. KANJORSKI.
Mr. STENHOLM.
Mr. LEVINE of California.
Mr. MAVROULES.
Mr. SARPALIUS.

ADJOURNMENT

Mr. COMBEST. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 28 minutes p.m.), the House adjourned until tomorrow, Friday, September 18, 1992, 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:

4267. A communication from the President of the United States, transmitting an amendment to the fiscal year 1993 request for appropriations for the Department of Defense, the Asian Development Bank, and the Asian Development Fund, pursuant to 31 U.S.C. 1107 (H. Doc. No. 102-391); to the Committee on Appropriations and ordered to be printed.

4268. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to relieve the regulatory burden on depository institutions and credit unions that are doing business or that seek to do business in an emergency or major disaster area, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

4269. A letter from the Secretary of Health and Human Services, transmitting a copy of the 1991 edition of "Health, United States," which presents data in four areas: Costs and financing of health care, distribution of health care resources, and the health of the Nation's people; in addition it contains the fifth triennial "Prevention Profile," pursuant to 42 U.S.C. 242m(a)(2)(A); to the Committee on Energy and Commerce.

4270. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Korea for defense articles and services (Transmittal No. 92-39), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

4271. A letter from the Deputy Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Turkey for defense articles and services (Transmittal No. 92-43), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

4272. A letter from the Deputy Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Greece for defense articles and services (Transmittal No. 92-41), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

4273. A communication from the President of the United States, transmitting a report on the status of efforts to obtain compliance by Iraq with the resolutions adopted by the U.N. Security Council, pursuant to Public Law 102-1, section 3 (105 Stat. 4) (H. Doc. No. 102-390); to the Committee on Foreign Affairs and ordered to be printed.

4274. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refund of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

4275. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

4276. A letter from the Attorney General of the United States, transmitting the annual report for fiscal year 1991 on the private counsel debt collection pilot project, pursuant to 31 U.S.C. 3718(c); to the Committee on the judiciary.

4277. A letter from the Secretary of the Interior, Secretary of Commerce, transmitting the 11th report on activities of the Department of Interior and the Department of Commerce with respect to the emergency stripped bass research study, pursuant to 16 U.S.C. 757g(b); to the Committee on Merchant Marine and Fisheries.

4278. A letter from the Administrator, General Services Administration, transmitting an informational copy of a lease prospectus, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

4279. A letter from the Secretary, Department of Defense, transmitting the 1992 report on allied contributions to the common defense, pursuant to 22 U.S.C. 1928 note; jointly, to the Committees on Armed Services and Foreign Affairs.

4280. A letter from the Deputy Secretary of Energy, transmitting a copy of a report entitled, "Transporting U.S. Oil Imports: The Impact of Oil Spill Legislation on the Tanker Market"; jointly, to the Committees on Merchant Marine and Fisheries and Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MONTGOMERY: Committee of Conference. Conference report on S. 2344 (Rept. 102-871). Ordered to be printed.

Mr. CONYERS: Committee on Government Operations. H.R. 5798. A bill to authorize payments to units of general local government for fiscal years 1992 and 1993; with an amendment (Rept. 102-872). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. H.R. 3204. A bill to amend title 17, United States Code, to implement a royalty pay-

ment system and a serial copy management system for digital audio recording, to prohibit certain copyright infringement actions, and for other purposes; with an amendment (Rept. 102–873, Pt. 1). Ordered to be printed.

Mr. BROOKS: Committee on the Judiciary. H.R. 4841. A bill granting the consent of the Congress to the New Hampshire-Maine Interstate School Compact (Rept. 102–874). Referred to the House Calendar.

Mr. BROOKS: Committee on the Judiciary. H.R. 5452. A bill granting the consent of the Congress to a supplemental compact or agreement between the Commonwealth of Pennsylvania and the State of New Jersey concerning the Delaware River Port Authority (Rept. 102–875). Referred to the House Calendar.

Mr. FROST: Committee on Rules. House Resolution 573. Resolution providing for the consideration of the bill (H.R. 3298) to enhance the financial safety and soundness of the banks and associations of the Farm Credit System (Rept. No. 102–876).

Ms. SLAUGHTER: Referred to the House Calendar. Committee on Rules. House Resolution 574. Resolution providing for the consideration of the bill (H.R. 918) to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes (Rept. 102–877). Referred to the House Calendar.

Mr. BONIOR: Committee on Rules. House Resolution 575. Resolution providing for the consideration of Senate amendments to the bill (H.R. 5620) making supplemental appropriations, transfers, and rescissions for the fiscal year ending September 30, 1992, and for other purposes (Rept. 102–878). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. RAHALL (for himself, Mr. MILLER of California, and Mr. STUDDS):

H.R. 5962. A bill to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BEREUTER:

H.R. 5963. A bill to amend the Internal Revenue Code of 1986 to allow individuals to designate all or any portion of their income tax refund to reduce the public debt: to the Committee on Ways and Means.

By Mr. ERDREICH:

H.R. 5964. A bill to direct the Secretary of Education to make a grant to Jefferson State Community College in Birmingham, AL, for construction of a business and technology center; to the Committee on Education and Labor.

By Ms. KAPTUR (for himself and Mr. GUARINI):

H.R. 5965. A bill to provide for the establishment of a Professional Trade Service Corps, and for other purposes; jointly, to the Committees on Ways and Means, Post Office and Civil Service, and the Judiciary.

By Mr. LAFALCE:

H.R. 5966. A bill to amend the Bankruptcy Act to make small business investment companies and specialized small business investment companies ineligible to file bankruptcy, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH of Oregon:

H.R. 5967. A bill to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in the State of Oregon; to the Committee on Energy and Commerce.

By Mr. STARK:

H.R. 5968. A bill to transfer the functions of the Director of the Federal Emergency Management Agency to the Secretary of Defense; jointly, in the Committees on Armed Services and Public Works and Transportation.

By Mr. HOAGLAND:

H.R. 5969. A bill to establish a National Commission on the Conservation of Biological Resources; to the Committee on Merchant Marine and Fisheries.

By Mr. JOHNSON of Texas (for himself, Mr. KYL, Mr. RIGGS, Mr. THOMAS of Wyoming, Mr. DOOLITTLE, and Mr. NICHOLS):

H.R. 5970. A bill to improve the access of all Americans to health care; jointly, to the Committees on Ways and Means, Energy and Commerce, and the Judiciary.

By Mr. KOSTMAYER:

H.R. 5971. A bill to authorize the Administrator of the National Highway Traffic Safety Administration to make grants for the purpose of promoting the use of bicycle helmets by children under the age of 16; to the Committee on Public Works and Transportation.

By Mr. RAMSTAD:

H.R. 5972. A bill to amend title 18, United States Code, to strengthen the Federal prohibitions against assaulting children; to the Committee on the Judiciary.

By Mrs. SCHROEDER (for herself, Mr. WHEAT, Mr. GILMAN, Mr. GREEN of New York, Mr. LEHMAN of Florida, Mr. MARTINEZ, Mrs. COLLINS of Michigan, and Mr. DOWNEY):

H.R. 5973. A bill to grant employees family and temporary medical leave, to treat the costs of the Head Start Program and other programs for children as emergency funding requirements, to provide aid to parents in providing the best possible learning environment for children, to promote investments in child welfare and family preservation, to reduce violence and improve the safety of children and their families, and for other purposes; jointly, to the Committees on Education and Labor, House Administration, Post Office and Civil Service, and Ways and Means.

By Mr. COMBEST:

H. Res. 572. Resolution directing the Committee on Standards of Official Conduct to conduct an investigation regarding possible unauthorized disclosures of classified information in violation of the Rules of the House of Representatives; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 53: Mr. BLAZ and Mr. HOAGLAND.
H.R. 384: Mr. SIKORSKI.
H.R. 576: Mr. BLAZ and Mrs. VUCANOVICH.
H.R. 856: Ms. OAKAR.
H.R. 961: Mrs. BYRON.
H.R. 1218: Mr. CAMPBELL of California.
H.R. 1472: Mr. MCHUGH and Mr. DICKINSON.
H.R. 1473: Mr. ROSE and Mr. GEKAS.
H.R. 2089: Mr. MARTINEZ and Mr. BOEHLERT.
H.R. 3030: Mr. DORNAN of California and Mr. LEHMAN of California.
H.R. 3142: Mr. WILSON.
H.R. 3545: Mr. HOLLOWAY.
H.R. 3598: Mr. PETERSON of Florida, Mr. CHAPMAN, and Mr. WISE.
H.R. 3627: Mr. COOPER, Mr. NAGLE, Mr. WELDON, and Mr. SHAYS.
H.R. 3735: Mr. COX of California.
H.R. 3764: Mr. ABERCROMBIE.
H.R. 3808: Mr. ERDREICH, Ms. DELAURO, and Mr. ROE.
H.R. 4288: Mr. DOOLITTLE.
H.R. 4333: Mr. FISH.
H.R. 4507: Mr. DARDEN.
H.R. 4695: Mr. SCHAEFER.
H.R. 4909: Mr. ABERCROMBIE.
H.R. 4962: Mr. WILLIAMS and Mrs. LOWEY of New York.
H.R. 4963: Mrs. LOWEY of New York and Mr. HOAGLAND.
H.R. 5000: Mr. GAYDOS.
H.R. 5014: Mr. KILDEE.
H.R. 5025: Mr. WASHINGTON.
H.R. 5153: Mr. MCCOLLUM and Mr. HEFLEY.
H.R. 5208: Mr. COYNE.
H.R. 5258: Mr. GUNDERSON, Mr. BLILEY, Mr. RAMSTAD, Mr. SCHAEFER, Mr. COLEMAN of Texas, Ms. SLAUGHTER, Mr. SAWYER, and Mr. WAXMAN.
H.R. 5299: Mr. HAMILTON.
H.R. 5317: Mr. EVANS, Mr. VALENTINE, and Mr. LAFALCE.
H.R. 5367: Mr. HUTTO, Mr. MCEWEN, Mr. COLEMAN of Texas, Mr. GILCHREST, Mrs. COLLINS of Illinois, Mr. JACOBS, and Mr. GOSS.
H.R. 5424: Mr. HYDE and Mr. COX of Illinois.
H.R. 5512: Mr. SMITH of Florida, Mr. TRAFICANT, Mr. LANCASTER, Mr. WELDON, and Mr. MANTON.
H.R. 5556: Mr. SANDERS.
H.R. 5559: Mr. MILLER of Washington.
H.R. 5593: Mr. COLORADO.
H.R. 5758: Mr. ESPY, Mr. GUNDERSON, Mr. HAYES of Illinois, Mr. HOLLOWAY, Mr. JENKINS, Mr. JOHNSON, of South Dakota, Mr. SANDERS, and Mr. DORGAN of North Dakota.
H.R. 5773: Mr. GEKAS, Mr. DOOLITTLE, Mr. KOLBE, and Mr. NUSSLE.
H.R. 5775: Mr. LAROCCO.
H.R. 5776: Mr. HORTON and Mr. SOLOMON.
H.R. 5790: Mr. GILCHREST, Mr. COLEMAN of Texas, Mr. SCHUMER, Mr. FRANK of Massachusetts, Mr. SOLOMON, Mr. GLICKMAN, and Mr. MORAN.
H.R. 5798: Mr. COYNE, Mrs. KENNELLY, Mr. SAVAGE, Mr. TORRES, Ms. DELAURO, Mr. COLEMAN of Texas, Mr. DYMALLY, and Mr. FLAKE.
H.R. 5823: Mr. FRANK of Massachusetts and Mr. LEWIS of Florida.
H.R. 5828: Mr. BURTON of Indiana, Mr. GLICKMAN, and Mr. MCMILLAN of North Carolina.
H.R. 5851: Mr. ZIMMER, Mr. MCNULTY, Ms. NORTON, and Mr. FAWELL.
H.R. 5872: Mr. NEAL of Massachusetts, Mr. RITTER, Ms. NORTON, Mr. LIPINSKI, and Mr. WALSH.
H.J. Res. 22: Mr. ARMEY, Mr. DOOLITTLE, and Mr. LAGOMARSINO.
H.J. Res. 399 Mr. BUNNING, Mr. MINETA, Mr. PACKARD, Mr. OWENS of New York, Mr. TOWNS, and Mr. FORD of Tennessee.
H.J. Res. 468: Ms. KAPTUR and Mr. GILLMOR.
H.J. Res. 476: Mr. CONDIT, Mr. LEWIS of Georgia, Mr. WHITTEN, and Mr. SLATTERY.
H.J. Res. 503: Mr. DAVIS, Mr. BRYANT, and Mr. ABERCROMBIE.
H.J. Res. 523: Mr. MCCOLLUM, Mr. HAMMERSCHMIDT, Mr. MCCRERY, Mr. MOORHEAD, Mr. BRYANT, Mr. RAY, Ms. OAKAR, Mr. JONTZ, Mr. NATCHER, and Mr. PRICE.
H.J. Res. 531: Mrs. PATTERSON, Mr. DYMALLY, Mr. DOOLEY, Mr. SAVAGE, Mr. YATRON, Mr. MOODY, Mr. MACHTLEY, Mr. DIXON, Mr.

RAHALL, Mr. CARDIN, Mr. WALSH, Ms. DELAURO, and Mr. SOLOMON.

H.J. Res. 532: Mr. CONYERS.

H.J. Res. 538: Mr. PAYNE of New Jersey, Ms. DELAURO, Mr. OBERSTAR, Mr. MCNULTY, Mr. TOWNS, Mr. DEFAZIO, Mr. GEJDENSON, Mrs. BOXER, Ms. WATERS, Mr. MILLER of Washington, Mr. DIXON, and Mr. SABO.

H.J. Res. 540: Mr. BURTON of Indiana and Mr. LIPINSKI.

H.J. Res. 546: Mr. MARTIN, Mrs. JOHNSON of Connecticut, Mr. MCCLOSKEY, Mr. INHOFE, Mr. MCGRATH, Mrs. MEYERS of Kansas, Mr. MILLER of Ohio, Mr. MATSUI, Mr. MORAN, Mr. NEAL of Massachusetts, Mr. MILLER of California, Mr. OWENS of New York, Mr. OWENS of Utah, Mr. MOORHEAD, Mr. PAXON, Mr. SAWYER, Ms. NORTON, Mr. PAYNE of New Jersey, Mr. PURSELL, Mr. QUILLEN, Mr. RAVENEL, Mr. SAVAGE, Mr. SAXTON, Mr. SABO, Mr. RUSSO, Mr. ERDREICH, Mr. LEVINE of California, Mr. SHAYS, Mrs. BOXER, Mr. DYMALLY, Mr. MFUME, Mr. MACHTLEY, Mr. SKEEN, Mr. LEWIS of California, Mr. BLAZ, Mr. MINETA, Ms. KAPTUR, Mr. RANGEL, Mr. DEFAZIO, Mr. MARTINEZ, Mr. YOUNG of Alaska, Mr. TRAXLER, Mr. TOWNS, Mr. TRAFICANT, Mr. VANDER JAGT, Mr. VENTO, Ms. WATERS, Mr. AUCOIN, Mr. BILBRAY, Mr. BILIRAKIS, Mr. CONYERS, Mr. DICKINSON, Mr. EVANS, Mr. FLAKE, Mr. FORD of Tennessee, Mr. HATCHER, Mr. GREEN of New York, Ms. HORN, Mr. MAVROULES, Mr. MURPHY, Mr. PANETTA, Mr. RIGGS, Mr. ROBERTS, Ms. OAKAR, Mr. GILMAN, Mr. NAGLE, Mr. SCHUMER, Mr. SMITH of New Jersey, Mr. GUNDERSON, Mr. YATRON, Mr. TALLON, Mr. TAUZIN, Mr. SWETT, Mr. WOLPE, Mr. SOLOMON, Ms. DELAURO, Mr. NOWAK, Mr. LAFALCE, Mr. MCDADE, Mr. COBLE, Mr. KLUG, and Mr. KLECZKA.

H. Con. Res. 223: Mr. DURBIN, Mrs. UNSOELD, and Mr. YATRON.

H. Con. Res. 344: Mrs. COLLINS of Michigan.

H. Res. 399: Mr. PICKETT and Mr. STUDDS.

H. Res. 565: Mr. PACKARD.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4542: Mr. SUNDQUIST.